

2022 SPECIAL SESSION I

VIRGINIA ACTS OF ASSEMBLY - CHAPTER

Enrolled

[H 29]

Approved

An Act to amend and reenact Chapter 552 of the 2021 Acts of Assembly, Special Session I, as amended by Chapter 1 of the 2021 Acts of Assembly, Special Session II, which appropriated the public revenues and provided a portion of such revenues for the two years ending, respectively, on the thirtieth day of June, 2021, and the thirtieth day of June, 2022; and a BILL to amend and reenact § 58.1-301 and § 58.1-339.8 of the Code of Virginia.

Be it enacted by the General Assembly of Virginia:

1. That Items 5, 6, 32, 34, 39, 57, 75, 83, 86, 92, 97, 111.10, 112, 113, 114, 120, 130, 137, 144, 145, 212, 268, 274, 277, 282, 288, 292, 299, 301, 304, 306, 312, 313, 315, 320, 322, 325, 326, 327, 349, 350, 351, 352, 353, 354, 356, 357, 359, 374, 376, 377, 401, 406, 411, 417, 425, 430, 434, 436, 445, 446, 447, 447.10, 448, 449, 450, 451, 452, 453, 474, 479, 479.20, § 2-0, C-4, C-22, C-22.20, C-66, C-68.50, C-69, C-70, C-71, § 3-1.01, § 3-2.03, § 3-5.03, § 3-5.06, § 4-8.03 and § 4-14.00 of Chapter 552 of the 2021 Acts of Assembly, Special Session I, as amended by Chapter 2 of the 2022 Acts of Assembly, Special Session II, be hereby amended and reenacted and that the cited chapter be further amended by adding Items C-22.30, C-25.10, C-53.50, C-61.80, C-61.90, C-69.60, C-76.20, and § 3-5.24.

2.§1. The following are hereby appropriated, for the current biennium, as set forth in succeeding parts, sections and items, for the purposes stated and for the years indicated:

A. The balances of appropriations made by previous acts of the General Assembly which are recorded as unexpended, as of the close of business on the last day of the previous biennium, on the final records of the State Comptroller; and

B. The public taxes and arrears of taxes, as well as moneys derived from all other sources, which shall come into the state treasury prior to the close of business on the last day of the current biennium. The term "moneys" means nontax revenues of all kinds, including but not limited to fees, licenses, services and contract charges, gifts, grants, and donations, and projected revenues derived from proposed legislation contingent upon General Assembly passage.

§ 2. Such balances, public taxes, arrears of taxes, and monies derived from all other sources as are not segregated by law to other funds, which funds are defined by the State Comptroller, pursuant to § 2.2-803, Code of Virginia, shall establish and constitute the general fund of the state treasury.

§ 3. The appropriations made in this act from the general fund are based upon the following:

	First Year	Second Year	Total
Unreserved Beginning Balance	\$2,874,058,799	\$0	\$2,874,058,799
		\$3,832,170,867	\$6,706,229,666
Additions to Balance	(\$1,278,580,333)	\$29,850,000	(\$1,248,730,333)
		(\$2,375,994,370)	(\$3,654,574,703)
Official Revenue Estimates	\$22,320,832,509	\$22,899,142,814	\$45,219,975,323
		\$26,976,800,000	\$49,297,632,509
Transfer	\$695,527,155	\$682,417,349	\$1,377,944,504
		\$803,941,844	\$1,499,468,999
Total General Fund Resources Available for			
Appropriation	\$24,611,838,130	\$23,611,410,163	\$48,223,248,293
		\$29,236,918,341	\$53,848,756,471

The appropriations made in this act from nongeneral fund revenues are based upon the following:

	First Year	Second Year	Total
Balance, June 30, 2020	\$6,915,611,972	\$0	\$6,915,611,972
Official Revenue Estimates	\$39,150,326,908	\$40,085,094,957	\$79,235,421,865
		\$52,448,131,389	\$91,598,458,297
Lottery Proceeds Fund	\$708,231,123	\$690,903,334	\$1,399,134,457

1			\$843,361,811	\$1,551,592,934
2	Internal Service Fund	\$2,127,455,883	\$2,293,917,698	\$4,421,373,581
3	Bond Proceeds	\$2,729,883,162	\$244,775,137	\$2,974,658,299
4	Total Nongeneral Fund Revenues			
5	Available for			
6	Appropriation	\$51,631,509,048	\$43,314,691,126	\$94,946,200,174
7			\$55,830,186,035	\$107,461,695,083
8	TOTAL PROJECTED			
9	REVENUES	\$76,243,347,178	\$66,926,101,289	\$143,169,448,467
10			\$85,067,104,376	\$161,310,451,554

11 § 4. Nongeneral fund revenues which are not otherwise segregated pursuant to this act shall be segregated in accordance with the acts
12 respectively establishing them.

13 § 5. The sums herein appropriated are appropriated from the fund sources designated in the respective items of this act.

14 § 6. When used in this act the term:

15 A. "Current biennium" means the period from the first day of July two thousand twenty, through the thirtieth day of June two thousand
16 twenty-two, inclusive.

17 B. "Previous biennium" means the period from the first day of July two thousand eighteen, through the thirtieth day of June two
18 thousand twenty, inclusive.

19 C. "Next biennium" means the period from the first day of July two thousand twenty-two, through the thirtieth day of June two
20 thousand twenty-four, inclusive.

21 D. "State agency" means a court, department, institution, office, board, council or other unit of state government located in the
22 legislative, judicial, or executive departments or group of independent agencies, or central appropriations, as shown in this act, and
23 which is designated in this act by title and a three-digit agency code.

24 E. "Nonstate agency" means an organization or entity as defined in § 2.2-1505 C, Code of Virginia.

25 F. "Authority" sets forth the general enabling statute, either state or federal, for the operation of the program for which appropriations
26 are shown.

27 G. "Discretionary" means there is no continuing statutory authority which infers or requires state funding for programs for which the
28 appropriations are shown.

29 H. "Appropriation" shall include both the funds authorized for expenditure and the corresponding level of full-time equivalent
30 employment.

31 I. "Sum sufficient" identifies an appropriation for which the Governor is authorized to exceed the amount shown in the Appropriation
32 Act if required to carry out the purpose for which the appropriation is made.

33 J. "Item Details" indicates that, except as provided in § 6 H above, the numbers shown under the columns labeled Item Details are for
34 information reference only.

35 K. Unless otherwise defined, terms used in this act dealing with budgeting, planning and related management actions are defined in the
36 instructions for preparation of the Executive Budget.

37 § 7. The total appropriations from all sources in this act have been allocated as follows:

38	BIENNIUM 2020-22			
39		General Fund	Nongeneral Fund	Total
40	OPERATING EXPENSES	\$47,976,459,742	\$90,734,188,991	\$138,710,648,733
41		\$48,522,087,143	\$102,137,540,860	\$150,659,628,003
42	LEGISLATIVE			
43	DEPARTMENT	\$214,240,000	\$8,050,998	\$222,290,998
44		\$215,540,158	\$8,316,321	\$223,856,479
45	JUDICIAL DEPARTMENT	\$1,072,499,822	\$74,735,744	\$1,147,235,566
46		\$1,072,999,822		\$1,147,735,566
47	EXECUTIVE DEPARTMENT	\$46,684,457,578	\$88,539,697,747	\$135,224,155,325
48		\$47,228,284,821	\$99,942,784,293	\$147,171,069,114

1	INDEPENDENT AGENCIES	\$5,262,342	\$2,111,704,502	\$2,116,966,844
2	STATE GRANTS TO			
3	NONSTATE AGENCIES	\$0	\$0	\$0
4	CAPITAL OUTLAY			
5	EXPENSES	-\$238,682,850	\$3,602,113,539	\$3,840,796,389
6		\$620,118,850	\$3,608,260,120	\$4,228,378,970
7	TOTAL	\$48,215,142,592	-\$94,336,302,530	\$142,551,455,122
8		\$49,142,205,993	\$105,745,800,980	\$154,888,006,973

9 § 8. This chapter shall be known and may be cited as the "2022 Amendments to the 2021 Appropriation Act."

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	PART 1: OPERATING EXPENSES			
2	LEGISLATIVE DEPARTMENT			
3	1.	Not set out.		
4	2.	Not set out.		
5	3.	Not set out.		
6	4.	Not set out.		
7	§ 1-1. DIVISION OF LEGISLATIVE AUTOMATED SYSTEMS (109)			
8	5.	Information Technology Development and		
9		Operations (82000).....	\$7,131,967	\$5,916,457
10				\$7,116,615
11		Computer Operations Services (82001).....	\$7,131,967	\$5,916,457
12				\$7,116,615
13		Fund Sources: General.....	\$6,844,298	\$5,628,788
14				\$6,828,946
15		Special.....	\$287,669	\$287,669
16	Authority: Title 30, Chapter 3.2, Code of Virginia.			
17	A. Out of this appropriation shall be paid the annual salary of the Director, Division of			
18	Legislative Automated Systems, \$173,040 from July 1, 2020 to June 9, 2021 and \$181,692			
19	from June 10, 2021 to June 30, 2022.			
20	B. Included in this appropriation is funding sufficient for the ongoing replacement of a legacy			
21	legislative bill tracking system. The expenditure of these funds is contingent on the Director			
22	of the Division of Legislative Automated Systems developing a detailed implementation plan			
23	and submitting the plan to the Committee on Joint Rules for its approval. Any procurement of			
24	a replacement legislative bill tracking system shall be exempt from the provisions of the			
25	Virginia Public Procurement Act (§ 2.2-4300 et. seq.) of the Code of Virginia and the contract			
26	review provisions of § 2.2-2012. The plan may propose to procure a replacement legislative			
27	bill tracking system using (i) a request for information or a request for proposal, singly or			
28	jointly or in any combination thereof, (ii) such other industry recognized procurement method			
29	for procuring a management information system, or (iii) such other procurement method that			
30	comports with the best interests of the Commonwealth in the determination of the Director.			
31	C. Out of the amounts included in this item, \$516,650 the first year and \$201,140 the second			
32	year from the general fund is provided to complete the replacement of a legacy legislative bill			
33	tracking system.			
34	D. Out of the amounts included in this item, \$950,000 the first year and \$50,000 the second			
35	year from the general fund is provided for software, security, and infrastructure upgrades for			
36	the Division of Legislative Automated Systems.			
37	<i>E. Out of the amounts included in this item, \$1,200,158 the second year from the general fund</i>			
38	<i>is provided for information systems and operational needs for the Division of Legislative</i>			
39	<i>Automated Systems.</i>			
40	Total for Division of Legislative Automated Systems.		\$7,131,967	\$5,916,457
41				\$7,116,615
42	General Fund Positions.....		19.00	19.00
43				21.00
44	Position Level.....		19.00	19.00
45				21.00

ITEM 5.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Fund Sources: General.....	\$6,844,298	\$5,628,788		
2			\$6,828,946		
3	Special.....	\$287,669	\$287,669		
4	§ 1-2. DIVISION OF LEGISLATIVE SERVICES (107)				
5	6. Legislative Research and Analysis (78400).....			\$7,191,641	\$7,941,641
6					\$8,206,964
7	Bill Drafting and Preparation (78401).....	\$7,191,641	\$7,941,641		
8			\$8,206,964		
9	Fund Sources: General.....	\$7,171,608	\$7,921,608		
10	Special.....	\$20,033	\$20,033		
11	Dedicated Special Revenue.....	\$0	\$265,323		
12	Authority: Title 30, Chapter 2.2, Code of Virginia.				
13	A. Out of this appropriation shall be paid the annual salary of the Director, Division of				
14	Legislative Services, \$157,374 from July 1, 2020 to June 9, 2021 and \$165,242 from June				
15	10, 2021, to June 30, 2022.				
16	B. Notwithstanding the salary set out in paragraph A. of this item, the Committee on Joint				
17	Rules may establish a salary range for the Director, Division of Legislative Services.				
18	C. The Division of Legislative Services shall continue to provide administrative support to				
19	include payroll processing, accounting, and travel expense processing at no charge to the				
20	Chesapeake Bay Commission, the Joint Commission on Health Care, the Virginia				
21	Commission on Youth, and the Virginia State Crime Commission.				
22	D. Out of this appropriation, \$250,000 the first year from the general fund is provided to				
23	support the work of the Senate Joint Resolution 47 (2014) Joint Subcommittee to Study				
24	Mental Health Services in the Commonwealth in the 21st Century. The funding may be				
25	used to contract for expertise and assistance in its work to evaluate the community-based				
26	system of service delivery or other related topics as required by the work of the Joint				
27	Subcommittee. Any contractor hired shall evaluate the current system along with				
28	alternative delivery systems to provide the necessary information and assistance to the				
29	subcommittee in determining the most appropriate delivery system, or modifications to the				
30	current delivery system, that ensures access, quality, consistency, and accountability. Any				
31	remaining balance at year-end shall be carried forward to the subsequent fiscal year.				
32	E. Out of this appropriation, \$15,000 each year from the general fund is provided to				
33	support costs of the Commission on Civics Education.				
34	F. Out of this appropriation, \$265,323 the second year from dedicated special revenue is				
35	to implement the recommendations of the Chesapeake Bay Restoration Fund Advisory				
36	Committee.				
37	Total for Division of Legislative Services.....			\$7,191,641	\$7,941,641
38					\$8,206,964
39	General Fund Positions.....	61.00	61.00		
40	Position Level.....	61.00	61.00		
41	Fund Sources: General.....	\$7,171,608	\$7,921,608		
42	Special.....	\$20,033	\$20,033		
43	Dedicated Special Revenue.....	\$0	\$265,323		
44	7. Not set out.				
45	8. Not set out.				
46	9. Not set out.				
47	10. Not set out.				

ITEM 11.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	11.	Not set out.				
2	12.	Not set out.				
3	13.	Not set out.				
4	14.	Not set out.				
5	15.	Not set out.				
6	16.	Not set out.				
7	17.	Not set out.				
8	18.	Not set out.				
9	19.	Not set out.				
10	20.	Not set out.				
11	21.	Not set out.				
12	22.	Not set out.				
13	23.	Not set out.				
14	24.	Not set out.				
15	25.	Not set out.				
16	26.	Not set out.				
17	27.	Not set out.				
18	27.10	Not set out.				
19	27.20	Not set out.				
20	27.30	Not set out.				
21	27.40	Not set out.				
22	Grand Total for Division of Legislative Services.....				\$9,519,973	\$10,097,616
23						\$10,362,939
24	General Fund Positions.....		72.50	72.50		
25	Position Level.....		72.50	72.50		
26	Fund Sources: General.....		\$9,475,854	\$10,053,497		
27	Special.....		\$44,119	\$44,119		
28	Dedicated Special Revenue.....		\$0	\$265,323		
29	28.	Not set out.				
30	29.	Not set out.				
31	29.1	Not set out.				

ITEM 30.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1 30.	Not set out.			
2 31.	Not set out.			
3	§ 1-3. JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION (110)			
4 32.	Legislative Evaluation and Review (78300).....		\$5,701,520	\$5,701,520
5				\$5,801,520
6	Performance Audits and Evaluation (78303).....		\$5,701,520	\$5,701,520
7			\$5,801,520	
8	Fund Sources: General.....		\$5,577,841	\$5,577,841
9			\$5,677,841	
10	Trust and Agency.....		\$123,679	\$123,679
11	Authority: Title 30, Chapters 7 and 8, Code of Virginia.			
12	A. Out of this appropriation shall be paid the annual salary of the Director, Joint			
13	Legislative Audit and Review Commission (JLARC), \$169,525 from July 1, 2020, to June			
14	9 2021, and \$178,001 from June 10, 2021, to June 30, 2022.			
15	B. JLARC, upon request of the Department of Planning and Budget and approval of the			
16	Chairman, shall review and provide comments to the department on its use of performance			
17	measures in the state budget process. JLARC staff shall review the methodology and			
18	proposed uses of such performance measures and provide periodic status reports to the			
19	Commission.			
20	C. Expenses associated with the oversight responsibility of the Virginia Retirement			
21	System by JLARC and the House Appropriations and Senate Finance <i>and</i>			
22	<i>Appropriations</i> Committees shall be reimbursed by the Virginia Retirement System upon			
23	documentation by the Director, JLARC of the expenses incurred.			
24	D. Out of this appropriation, funds are provided to continue the technical support staff of			
25	JLARC, in order to assist with legislative fiscal impact analysis when an impact statement			
26	is referred from the Chairman of a standing committee of the House or Senate, and to			
27	conduct oversight of the expenditure forecasting process. Pursuant to existing statutory			
28	authority, all agencies of the Commonwealth shall provide access to information			
29	necessary to accomplish these duties.			
30	E.1. The General Assembly hereby designates the Joint Legislative Audit and Review			
31	Commission (JLARC) to review and evaluate the Virginia Information Technologies			
32	Agency (VITA) on a continuing basis and to make such special studies and reports as may			
33	be requested by the General Assembly, the House Appropriations Committee, or the			
34	Senate Finance <i>and Appropriations</i> Committee.			
35	2. The areas of review and evaluation to be conducted by the Commission shall include,			
36	but are not limited to, the following: (i) VITA's infrastructure outsourcing contracts and			
37	any amendments thereto; (ii) adequacy of VITA's planning and oversight responsibilities,			
38	including VITA's oversight of information technology projects and the security of			
39	governmental information; (iii) cost-effectiveness and adequacy of VITA's procurement			
40	services and its oversight of the procurement activities of State agencies.			
41	3. For the purpose of carrying out its duties and notwithstanding any contrary provision of			
42	law, JLARC shall have the legal authority to access the information, records, facilities,			
43	and employees of VITA.			
44	4. Records provided to VITA by a private entity pertaining to VITA's comprehensive			
45	infrastructure agreement or any successor contract, or any contractual amendments thereto			
46	for the operation of the Commonwealth's information technology infrastructure shall be			
47	exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), to the extent			
48	that such records contain (i) trade secrets of the private entity as defined in the Uniform			
49	Trade Secrets Act (§ 59.1-336 et seq.) or (ii) financial records of the private entity,			
50	including balance sheets and financial statements, that are not generally available to the			
51	public through regulatory disclosure or otherwise. In order for the records specified in			

ITEM 32.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	clauses (i) and (ii) to be excluded from the Virginia Freedom of Information Act, the private				
2	entity shall make a written request to VITA:				
3	a. Invoking such exclusion upon submission of the data or other materials for which				
4	protection from disclosure is sought;				
5	b. Identifying with specificity the data or other materials for which protection is sought; and				
6	c. Stating the reasons why protection is necessary.				
7	VITA shall determine whether the requested exclusion from disclosure is necessary to protect				
8	the trade secrets or financial records of the private entity. VITA shall make a written				
9	determination of the nature and scope of the protection to be afforded by it under this				
10	subdivision. Once a written determination is made by VITA, the records afforded protection				
11	under this subdivision shall continue to be protected from disclosure when in the possession				
12	of VITA or JLARC.				
13	Except as specifically provided in this item, nothing in this item shall be construed to				
14	authorize the withholding of (a) procurement records as required by § 56-575.17; (b)				
15	information concerning the terms and conditions of any interim or comprehensive agreement,				
16	service contract, lease, partnership, or any agreement of any kind entered into by VITA and				
17	the private entity; (c) information concerning the terms and conditions of any financing				
18	arrangement that involves the use of any public funds; or (d) information concerning the				
19	performance of the private entity under the comprehensive infrastructure agreement, or any				
20	successor contract, or any contractual amendments thereto for the operation of the				
21	Commonwealth's information technology infrastructure.				
22	5. The Chairman of JLARC may appoint a permanent subcommittee to provide guidance and				
23	direction for VITA review and evaluation activities, subject to the full Commission's				
24	supervision and such guidelines as the Commission itself may provide.				
25	6. All agencies of the Commonwealth shall cooperate as requested by JLARC in the				
26	performance of its duties under this authority.				
27	F.1. The General Assembly hereby designates the Joint Legislative Audit and Review				
28	Commission (JLARC) to conduct, on a continuing basis, a review and evaluation of economic				
29	development initiatives and policies and to make such special studies and reports as may be				
30	requested by the General Assembly, the House Appropriations Committee, or the Senate				
31	Finance and Appropriations Committee.				
32	2. The areas of review and evaluation to be conducted by the Commission shall include, but				
33	are not limited to, the following: (i) spending on and performance of individual economic				
34	development incentives, including grants, tax preferences, and other assistance; (ii) economic				
35	benefits to Virginia of total spending on economic development initiatives at least biennially;				
36	(iii) effectiveness, value to taxpayers, and economic benefits to Virginia of individual				
37	economic development initiatives on a cycle approved by the Commission; and (iv) design,				
38	oversight, and accountability of economic development entities, initiatives, and policies as				
39	needed.				
40	3. For the purpose of carrying out its duties under this authority and notwithstanding any				
41	contrary provision of law, JLARC shall have the legal authority to access the facilities,				
42	employees, information, and records, including confidential information, and the public and				
43	executive session meetings and records of the board of VEDP, involved in economic				
44	development initiatives and policies for the purpose of carrying out such duties in accordance				
45	with the established standards, processes, and practices exercised by JLARC pursuant to its				
46	statutory authority. Access shall include the right to attend such meetings for the purpose of				
47	carrying out such duties. Any non-disclosure agreement that VEDP enters into on or after July				
48	1, 2016, for the provision of confidential and proprietary information to VEDP by a third				
49	party shall require that JLARC also be allowed access to such information for the purposes of				
50	carrying out its duties.				
51	4. Notwithstanding the provisions of subsection A or B of § 58.1-3 or any other provision of				
52	law, unless prohibited by federal law, an agreement with a federal entity, or a court decree,				
53	the Tax Commissioner is authorized to provide to JLARC such tax information as may be				
54	necessary to conduct oversight of economic development initiatives and policies.				

ITEM 32.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	5. The following records shall be excluded from the provisions of the Virginia Freedom of				
2	Information Act (§ 2.2-3700 et seq.), and shall not be disclosed by JLARC:				
3	(a) records provided by a public body as defined in § 2.2-3701, Code of Virginia, to				
4	JLARC in connection with its oversight of economic development initiatives and policies,				
5	where the records would not be subject to disclosure by the public body providing the				
6	records. The public body providing the records to JLARC shall identify the specific				
7	portion of the records to be protected and the applicable provision of the Freedom of				
8	Information Act or other provision of law that excludes the record or portions thereof from				
9	mandatory disclosure.				
10	(b) confidential proprietary records provided by private entities pursuant to a promise of				
11	confidentiality from JLARC, used by JLARC in connection with its oversight of economic				
12	development initiatives and policies where, if such records are made public, the financial				
13	interest of the private entity would be adversely affected.				
14	6. By August 15 of each year, the Secretary of Commerce and Trade shall provide to				
15	JLARC all information collected pursuant to § 2.2-206.2, Code of Virginia, in a format				
16	and manner specified by JLARC to ensure that the final report to be submitted by the				
17	Secretary fulfills the intent of the General Assembly and provides the data and evaluation				
18	in a meaningful manner for decision-makers.				
19	7. JLARC shall assist the agencies submitting information to the Secretary of Commerce				
20	and Trade pursuant to the provisions of § 2.2-206.2, Code of Virginia, to ensure that the				
21	agencies work together to effectively develop standard definitions and measures for the				
22	data required to be reported and facilitate the development of appropriate unique project				
23	identifiers to be used by the impacted agencies.				
24	8. The Chairman of JLARC may appoint a permanent subcommittee to provide guidance				
25	and direction for ongoing review and evaluation activities, subject to the full				
26	Commission's supervision and such guidelines as the Commission itself may provide.				
27	9. JLARC may employ on a consulting basis such professional or technical experts as may				
28	be reasonably necessary for the Commission to fulfill its responsibilities under this				
29	authority.				
30	10. All agencies of the Commonwealth shall cooperate as requested by JLARC in the				
31	performance of its duties under this authority.				
32	G. Notwithstanding the salaries listed in paragraph A. of this item, the Joint Legislative				
33	Audit and Review Commission (JLARC) may establish a salary range for the Director of				
34	JLARC.				
35	H.1. The General Assembly hereby designates the Joint Legislative Audit and Review				
36	Commission (JLARC) to review and evaluate the agencies and programs under the				
37	Secretary of Health and Human Resources (HHR) on a continuing basis.				
38	2. Review and evaluation work shall be directed by JLARC in consultation with the Joint				
39	Committee for Health and Human Resources Oversight.				
40	3. Review and evaluation shall include, but not be limited to (i) studies of agencies or				
41	programs; (ii) targeted analysis of spending trends and other issues warranting				
42	examination; and (iii) assessment of the soundness and accuracy of population and				
43	spending forecasts, including the process, assumptions, methodology, and results.				
44	4. For the purpose of carrying out its duties and notwithstanding any contrary provision of				
45	law, JLARC shall have the legal authority to access the information, records, facilities,				
46	and employees of all agencies within the HHR secretariat.				
47	5. The following records shall be excluded from the provisions of the Virginia Freedom of				
48	Information Act (§ 2.2-3700 et seq.), and shall not be disclosed by JLARC:				
49	(a) records provided by a public body as defined in § 2.2-3701, Code of Virginia, to				
50	JLARC in connection with its evaluation of agencies and programs within the HHR				
51	secretariat, where the records would not be subject to disclosure by the public body				

ITEM 32.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	providing the records. The public body providing the records to JLARC shall identify the				
2	specific portion of the records to be protected and the applicable provision of the Freedom of				
3	Information Act or other provision of law that excludes the record or portions thereof from				
4	mandatory disclosure.				
5	(b) confidential proprietary records provided by private entities pursuant to a promise of				
6	confidentiality from JLARC, used by JLARC in connection with its evaluation of agencies				
7	and programs within the HHR secretariat where, if such records are made public, the financial				
8	interest of the private entity would be adversely affected.				
9	6. The Chairman of JLARC may appoint a permanent subcommittee to provide guidance and				
10	direction for ongoing review and evaluation of agencies and programs within the HHR				
11	secretariat, subject to the full Commission's supervision and such guidelines as the				
12	Commission itself may provide.				
13	7. JLARC may employ on a consulting basis such professional or technical experts as may be				
14	reasonably necessary for the Commission to fulfill its responsibilities under this authority.				
15	8. All agencies of the Commonwealth shall cooperate as requested by JLARC in the				
16	performance of its duties under this authority.				
17	I.1. The General Assembly hereby designates the Joint Legislative Audit and Review				
18	Commission (JLARC) to review and evaluate the Commonwealth's enterprise resource				
19	planning and related financial, payroll, personnel management and benefit eligibility systems				
20	(Cardinal) on a continuing basis and to provide such special studies and reports as may be				
21	requested by the General Assembly, the House Appropriations Committee, or the Senate				
22	Finance and Appropriations Committee.				
23	2. The areas of review and evaluation to be conducted by the Commission shall include, but				
24	are not limited to, the following: (i) procurement for the planning, development,				
25	implementation, operation, and maintenance of Cardinal and any subsequent contracts and				
26	amendments thereto; (ii) the development, implementation, performance, and costs of				
27	Cardinal; (iii) the long-term viability of the technologies utilized in Cardinal; (iv) the				
28	adequacy of the system of governance for Cardinal, including the responsibility for, and				
29	control of specific data in Cardinal, the responsibility for systems support and maintenance,				
30	and the appropriate role of the Virginia Information Technologies Agency; and (v) the				
31	security of governmental and personally identifiable information contained in Cardinal.				
32	3. For the purpose of carrying out its duties and notwithstanding any contrary provision of				
33	law, JLARC shall have the legal authority to access the information, records, facilities, and				
34	employees of all state agencies and institutions.				
35	4. The following records shall be excluded from the provisions of the Virginia Freedom of				
36	Information Act (§ 2.2-3700 et seq.), and shall not be disclosed by JLARC:				
37	(a) records provided by a public body as defined in § 2.2-3701, Code of Virginia, to JLARC				
38	in connection with its evaluation of Cardinal, where the records would not be subject to				
39	disclosure by the public body providing the records. The public body providing the records to				
40	JLARC shall identify the specific portion of the records to be protected and the applicable				
41	provision of the Freedom of Information Act or other provision of law that excludes the				
42	record or portions thereof from mandatory disclosure.				
43	(b) confidential proprietary records provided by private entities pursuant to a promise of				
44	confidentiality from JLARC, used by JLARC in connection with its evaluation of Cardinal				
45	where, if such records are made public, the financial interest of the private entity would be				
46	adversely affected.				
47	5. The Chairman of JLARC may appoint a permanent subcommittee to provide guidance and				
48	direction for Cardinal review and evaluation activities, subject to the full Commission's				
49	supervision and such guidelines as the Commission itself may provide.				
50	6. JLARC may employ on a consulting basis such professional or technical experts as may be				
51	reasonably necessary for the Commission to fulfill its responsibilities under this authority.				
52	7. All agencies and institutions of the Commonwealth shall cooperate as requested by JLARC				

ITEM 32.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	in the performance of its duties under this authority.				
2	J. The Joint Legislative Audit and Review Commission staff shall have access to all				
3	information and operations of the Board of Corrections and to observe closed or executive				
4	sessions of the Board of Corrections and any of its committees. This authority shall not be				
5	limited by §2.2-3712 or any other provision of law.				
6	K. The clerk of each circuit court shall provide the Joint Legislative Audit and Review				
7	Commission with all case data in an electronic format from its own case management				
8	system or the statewide Circuit Case Management System upon request of the				
9	Commission. If the statewide Circuit Case Management System is used by the clerk, when				
10	requested by the Commission, the Executive Secretary of the Supreme Court shall provide				
11	for the transfer of such data to the Commission. The Commission may use the data for				
12	research, evaluation, or statistical purposes only and shall ensure the confidentiality and				
13	security of the data. The Commission shall only publish analyses based on this data as				
14	needed for its reports, fiscal impact reviews, or racial and ethnic impact statements as				
15	required by the General Assembly. The Commission shall not publish personal or case				
16	identifying information, including names, social security numbers and dates of birth,				
17	which may be included in the data from a case management system. Upon transfer to the				
18	Joint Legislative Audit and Review Commission, such data shall not be subject to the				
19	Virginia Freedom of Information Act. Except for the publishing of personal or case				
20	identifying information, including names, social security numbers and dates of birth, the				
21	restrictions in this section shall not prohibit the Commission from sharing aggregate data				
22	in reports, fiscal impact reviews, or racial and ethnic impact statements.				
23	L. The Joint Legislative Audit and Review Commission shall engage, on a limited basis,				
24	the professional and technical consultants retained for the November 2019 Report				
25	"Gaming in the Commonwealth" for a limited review of the potential state and local				
26	revenues that may be generated from a casino located in the City of Petersburg, including				
27	any potential negative revenue impact on casinos located in other authorized host cities.				
28	Total for Joint Legislative Audit and Review				
29	Commission.....			\$5,701,520	\$5,701,520
30					\$5,801,520
31	General Fund Positions.....	42.00	42.00		
32	Nongeneral Fund Positions.....	1.00	1.00		
33	Position Level.....	43.00	43.00		
34	Fund Sources: General.....	\$5,577,841	\$5,577,841		
35			\$5,677,841		
36	Trust and Agency.....	\$123,679	\$123,679		
37	33. Not set out.				
38	§ 1-4. LEGISLATIVE DEPARTMENT REVERSION CLEARING ACCOUNT (102)				
39	34. Across the Board Reductions (71400).....			(\$194,600)	(\$194,600)
40	Across the Board Reduction (71401).....	(\$194,600)	(\$194,600)		
41	Fund Sources: General.....	(\$194,600)	(\$194,600)		
42	Authority: Discretionary Inclusion.				
43	A. On or before June 30, 2021, the Committee on Joint Rules shall authorize a reversion to				
44	the general fund of \$5,911,271 representing savings generated by legislative agencies in				
45	the second year of the 2018 - 2020 biennium. The total savings amount includes				
46	estimated savings within the following legislative agencies:				
47	Legislative Agency			Estimated Savings	
48	133: Auditor of Public Accounts			\$500,000.00	
49	961: Division of Capitol Police			\$2,000,000.00	
50	109: Division of Legislative Automated Systems			\$40,000.00	
51	107: Division of Legislative Services			\$1,000,000.00	

ITEM 34.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	837: Virginia Disability Commission				\$68,463.70
2	847: Joint Commission on Technology and Science				\$166,641.57
3	971: State Water Commission				\$9,121.92
4	118: Virginia Coal and Energy Commission				\$21,614.55
5	108: Virginia Code Commission				\$334,651.00
6	862: Small Business Commission				\$13,646.28
7	871: Autism Advisory Council				\$16,926.12
8	876: Virginia Conflict of Interest and Ethics Advisory Council				\$165,078.21
9	872: Virginia World War I and World War II				\$300,104.58
10	Commemoration Commission				
11	875: Joint Commission on Transportation Accountability				\$28,199.92
12	877: Commission on Economic Opportunity for Virginians in				\$30,222.37
13	Aspiring Communities				
14	844: Joint Commission on Health Care				\$108,047.50
15	839: Virginia Commission on Youth				\$40,000.00
16	110: Joint Legislative Audit and Review Commission				\$1,068,553.29
17	Total				\$5,911,271
18	<i>B. On or before June 30, 2022, the Committee on Joint Rules shall authorize a reversion to</i>				
19	<i>the general fund of \$5,459,063 representing savings generated by legislative agencies in the</i>				
20	<i>first year of the 2020 - 2022 biennium. The total savings amount includes estimated savings</i>				
21	<i>within the following legislative agencies:</i>				
22	Legislative Agency				Estimated Savings
23	107: Division of Legislative Services				\$750,000
24	110: Joint Legislative Audit and Review Commission				\$750,000
25	118: Virginia Coal and Energy Commission				\$21,616
26	133: Auditor of Public Accounts				\$200,119
27	837: Virginia Disability Commission				\$25,554
28	839: Virginia Commission on Youth				\$20,000
29	844: Joint Commission on Health Care				\$30,335
30	847: Joint Commission on Technology and Science				\$100,000
31	862: Small Business Commission				\$15,000
32	871: Autism Advisory Council				\$6,300
33	875: Joint Commission on Transportation Accountability				\$28,200
34	876: Virginia Conflict of Interest and Ethics Advisory Council				\$179,030
35	961: Division of Capitol Police				\$3,322,749
36	971: State Water Commission				\$10,160
37	Total				\$5,459,063
38	35. Not set out.				
39	Total for Legislative Department Reversion Clearing				
40	Account.....			\$515,715	\$515,715
41	General Fund Positions.....	1.00	1.00		
42	Position Level.....	1.00	1.00		
43	Fund Sources: General.....	\$515,715	\$515,715		
44	TOTAL FOR LEGISLATIVE DEPARTMENT.....			\$110,470,669	\$111,820,329
45					\$113,385,810
46	General Fund Positions.....	608.50	622.50		
47			624.50		
48	Nongeneral Fund Positions.....	32.50	32.50		
49	Position Level.....	641.00	655.00		
50			657.00		

ITEM 35.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Fund Sources: General.....	\$106,445,170	\$107,794,830		
2			\$109,094,988		
3	Special.....	\$3,764,226	\$3,764,226		
4	Trust and Agency.....	\$123,679	\$123,679		
5	<i>Dedicated Special Revenue</i>	\$0	\$265,323		
6	Federal Trust.....	\$137,594	\$137,594		

ITEM 36.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	JUDICIAL DEPARTMENT			
2	§ 1-5. SUPREME COURT (111)			
3	36.	Not set out.		
4	37.	Not set out.		
5	38.	Not set out.		
6	39.	Administrative and Support Services (39900).....	\$35,512,025	\$43,501,601
7				\$44,001,601
8		General Management and Direction (39901).....	\$35,512,025	\$43,501,601
9				\$44,001,601
10		Fund Sources: General.....	\$25,239,057	\$33,228,633
11				\$33,728,633
12		Special.....	\$124,375	\$124,375
13		Dedicated Special Revenue.....	\$8,833,848	\$8,833,848
14		Federal Trust.....	\$1,314,745	\$1,314,745
15	Authority: §§ 16.1-69.30 , 16.1-69.33 , 17.1-314 through 17.1-320 and 17.1-502 , Code of			
16	Virginia.			
17	A. The Executive Secretary of the Supreme Court shall submit an annual fiscal year summary,			
18	on or before September 1 of each year, to the Chairmen of the House Appropriations and			
19	Senate Finance Committees and to the Director, Department of Planning and Budget, which			
20	will report the number of individuals for whom legal or medical services were provided and			
21	the nature and cost of such services as are authorized for payment from the criminal fund or			
22	the involuntary mental commitment fund.			
23	B. Notwithstanding the provisions of § 19.2-326 , Code of Virginia, the amount of attorney's			
24	fees allowed counsel for indigent defendants in appeals to the Supreme Court shall be in the			
25	discretion of the Supreme Court.			
26	C. The Chief Justice is authorized to reallocate legal support staff between the Supreme Court			
27	and the Court of Appeals of Virginia, in order to meet changing workload demands.			
28	D. Prior to January 1 of each year, the Judicial Council and the Committee on District Courts			
29	are requested to submit a fiscal impact assessment of their recommendations for the creation			
30	of any new judgeships, including the cost of judicial retirement, to the Chairmen of the House			
31	and Senate Committees on Courts of Justice, and the House Appropriations and Senate			
32	Finance Committees.			
33	E. Included in this Item is \$3,750,000 the first year and \$3,750,000 the second year from the			
34	general fund, which may support computer system improvements for the several circuit and			
35	district courts. The Executive Secretary of the Supreme Court shall submit an annual report to			
36	the Director, Department of Planning and Budget on or before September 1 of each year			
37	outlining the improvement projects undertaken and the project status of each project. Each			
38	project in the report should include the life to date cost of the project, the amount spent on the			
39	project in the most recently completed fiscal year, the year the project began, the estimated			
40	cost to complete the remainder of the project and an estimated project completion date.			
41	F. Given the continued concern about providing adequate compensation levels for court-			
42	appointed attorneys providing criminal indigent defense in the Commonwealth, the Executive			
43	Secretary of the Supreme Court, in conjunction with the Governor, Attorney General, Indigent			
44	Defense Commission, representatives of the Indigent Defense Stakeholders Group and			
45	Chairmen of the House and Senate Courts of Justice Committees, shall continue to study and			
46	evaluate all available options to enhance Virginia's Indigent Defense System.			
47	G. In addition to any filing fee or other fee permitted by law, an electronic access fee may be			
48	charged for each case filed electronically pursuant to Rule 1:17 of the Rules of the Supreme			
49	Court of Virginia. The amount of this fee shall be set by the Supreme Court of Virginia.			

ITEM 39.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Moneys collected pursuant to this fee shall be deposited into the State Treasury to the				
2	credit of the Courts Technology Fund established pursuant to § 17.1-132, to be used to				
3	support the costs of statewide electronic filing systems.				
4	H. 1. No state funds used to support the operation of drug court programs shall be				
5	provided to programs that serve first-time substance abuse offenders only or do not				
6	include probation violators. This restriction shall not apply to juvenile drug court				
7	programs.				
8	2. Notwithstanding the provisions of subsection O. of § 18.2-254.1, Code of Virginia, any				
9	locality is authorized to establish a drug treatment court supported by existing state				
10	resources and by federal or local resources that may be available. This authorization is				
11	subject to the requirements and conditions regarding the establishment and operation of a				
12	local drug treatment court advisory committee as provided by § 18.2-254.1 and the				
13	requirements and conditions established by the state Drug Treatment Court Advisory				
14	Committee. Any drug court treatment program established after July 1, 2012, shall limit				
15	participation in the program to offenders who have been determined, through the use of a				
16	nationally recognized, validated assessment tool, to be addicted to or dependent on drugs.				
17	However, no such drug court treatment program shall limit its participation to first-time				
18	substance abuse offenders only; nor shall it exclude probation violators from participation.				
19	3. The evaluation of drug treatment court programs required by § 18.2-254.1 shall include				
20	the collection of data needed for outcome measures, including recidivism. Drug treatment				
21	court programs shall provide to the Office of the Executive Secretary of the Supreme				
22	Court the information needed to conduct such an evaluation.				
23	4. Included within this appropriation is \$960,000 the first year and \$960,000 the second				
24	year from the general fund for drug courts in jurisdictions with high drug caseloads, to be				
25	allocated by the State Drug Treatment Court Advisory Committee to existing drug courts				
26	which have been approved by the Supreme Court of Virginia but have not previously				
27	received state funding.				
28	I. Notwithstanding the provisions of § 16.1-69.48, Code of Virginia, the Executive				
29	Secretary of the Supreme Court shall ensure the deposit of all Commonwealth collections				
30	directly into the State Treasury for Item 42 General District Courts, Item 43 Juvenile and				
31	Domestic Relations District Courts, Item 44 Combined District Courts, and Item 45				
32	Magistrate System.				
33	J. Included in this appropriation, \$240,000 the first year and \$240,000 the second year				
34	from the general fund is provided to implement the Judicial Performance Evaluation				
35	Program established by § 17.1-100 of the Code of Virginia.				
36	K. Working in collaboration with the Chief Justice and Associate Justices of the Supreme				
37	Court of Virginia and the Chief Judge and Associate Judges of the Court of Appeals of				
38	Virginia, the Executive Secretary of the Supreme Court, in consultation with the Director				
39	of the Department of General Services, is directed to develop a comprehensive plan that				
40	meets the future space needs of both courts around Capitol Square, which is acceptable to				
41	the Chief Justice of the Supreme Court of Virginia and the Chief Judge of the Court of				
42	Appeals of Virginia.				
43	L. Included in this appropriation, \$175,321 the first year and \$175,321 the second year				
44	from nongeneral funds and two positions to support drug treatment court evaluation and				
45	monitoring. The source of funds is the Drug Offender Assessment Fund.				
46	M. Included in the amounts appropriated for this item are \$400,000 the first year and				
47	\$400,000 the second year from the general fund to be allocated by the State Drug				
48	Treatment Court Advisory Committee for the establishment of drug courts in jurisdictions				
49	with high drug-related caseloads, or to increase funding provided to existing drug court				
50	programs experiencing high caseload growth.				
51	N. Included in this appropriation is \$500,000 the first year and \$500,000 the second year				
52	from the general fund to support the creation and expansion of mental health court dockets				
53	in jurisdictions with high caseloads, to be allocated by the Virginia Supreme Court.				
54	O.1. There is hereby created in the state treasury a special nonreverting fund to be known				

ITEM 39.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	as the Attorney Wellness Fund, hereinafter referred to as the Fund. The Fund shall be				
2	established on the books of the Comptroller. Interest earned on moneys in the Fund shall				
3	remain in the Fund and be credited to it. Any moneys remaining in the Fund, including				
4	interest thereon, at the end of the fiscal year shall not revert to the general fund, but shall				
5	remain in the Fund. Except for transfers pursuant to this Item, there shall be no transfers out				
6	of the Fund, including transfers to the general fund.				
7	2. Notwithstanding the provisions of § 54.1-3912, Code of Virginia, in addition to any other				
8	fee permitted by law, the Supreme Court of Virginia may adopt rules assessing members of				
9	the Virginia State Bar an annual fee of up to \$30 to be deposited in the State Bar Fund and				
10	transferred to the Attorney Wellness Fund.				
11	3. Moneys in the Fund shall be allocated at the direction of the Supreme Court of Virginia				
12	solely for the purposes of wellness initiatives for attorneys, judges, and law students, to				
13	prevent substance abuse and behavioral health disorders. The revenue raised in support of the				
14	Fund shall not be used to supplant current funding to the judicial branch. Expenditures and				
15	disbursements from the Fund shall be made by the State Treasurer on warrants issued by the				
16	Comptroller upon written request of the Executive Secretary of the Supreme Court of				
17	Virginia.				
18	P. The Office of the Executive Secretary of the Supreme Court shall prepare and distribute				
19	evaluation forms in all Circuit Court cases that are overseen by a retired judge for the purpose				
20	of collecting information on the number and types of cases referred to retired judges, and use				
21	such information to prepare and annually publish a report to be distributed to the members of				
22	the House Committee on Courts of Justice and the Senate Committee on the Judiciary, on or				
23	about January 1, each year.				
24	Q. Included in this appropriation is \$1,539,033 the second year for the implementation of an				
25	automatic expungement process pursuant to House Bill 2113 and Senate Bill 1339 of the 2021				
26	Session of the General Assembly.				
27	R. The Executive Secretary of the Supreme Court shall review, in consultation with				
28	representatives of the Indigent Defense Commission, Virginia Community Criminal Justice				
29	Association, and other stakeholders identified by the Executive Secretary, the requirements of				
30	House Bill 2286 of the 2021 Session of the General Assembly, as introduced, and produce (i)				
31	a plan for the implementation of the provisions of the bill, (ii) an estimate of the costs of				
32	implementing the provisions of the bill, and (iii) an estimate of potential off-setting savings				
33	resulting from implementation of the plan. The Executive Secretary shall provide a report				
34	detailing the plan for implementation, and associated costs and savings, to the Chairs of the				
35	House Appropriations and Senate Finance and Appropriations Committees no later than				
36	December 1, 2021.				
37	S. On or before June 30, 2022, the Director, Department of Planning and Budget, shall				
38	authorize the reversion to the general fund of \$33,500,000 from the balances of the Criminal				
39	Fund.				
40	T. Out of the amounts appropriated for this item, \$500,000 the second year from the general				
41	fund is included for the Supreme Court of Virginia to contract with the National Center for				
42	State Courts to evaluate the judicial caseloads throughout the Commonwealth on the				
43	appellate court, circuit court, general district court, and juvenile and domestic relations				
44	district court levels. The evaluation shall also consider this impact on judicial caseloads				
45	resulting from Chapter 43 of the 2020 Acts of Assembly, Special Session I, as well as any				
46	other factors identified by the Supreme Court such as the use of interpreters, law clerks,				
47	retired or substitute judges, and the effect of population growth or decline, if any. The				
48	Supreme Court shall report the results of the study to the General Assembly no later than				
49	October 15, 2023.				
50	Total for Supreme Court.....			\$51,855,031	\$60,172,202
51					\$60,672,202
52	General Fund Positions.....	159.63	221.63		
53	Nongeneral Fund Positions.....	8.00	8.00		
54	Position Level.....	167.63	229.63		

ITEM 39.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1		Fund Sources: General.....	\$41,402,783	\$49,719,954		
2				\$50,219,954		
3		Special.....	\$303,655	\$303,655		
4		Dedicated Special Revenue.....	\$8,833,848	\$8,833,848		
5		Federal Trust.....	\$1,314,745	\$1,314,745		
6	40.	Not set out.				
7	41.	Not set out.				
8	42.	Not set out.				
9	42.10	Not set out.				
10	43.	Not set out.				
11	44.	Not set out.				
12	45.	Not set out.				
13		Grand Total for Supreme Court.....			\$469,558,683	\$481,586,124
14						\$482,086,124
15		General Fund Positions.....	2,834.71	2,889.71		
16		Nongeneral Fund Positions.....	8.00	8.00		
17		Position Level.....	2,842.71	2,897.71		
18		Fund Sources: General.....	\$459,106,435	\$471,133,876		
19				\$471,633,876		
20		Special.....	\$303,655	\$303,655		
21		Dedicated Special Revenue.....	\$8,833,848	\$8,833,848		
22		Federal Trust.....	\$1,314,745	\$1,314,745		
23	46.	Not set out.				
24	47.	Not set out.				
25	48.	Not set out.				
26	48.10	Not set out.				
27	49.	Not set out.				
28	50.	Not set out.				
29	51.	Not set out.				
30	51.10	Not set out.				
31		TOTAL FOR JUDICIAL DEPARTMENT.....			\$562,783,921	\$584,451,645
32						\$584,951,645
33		General Fund Positions.....	3,507.71	3,605.71		
34		Nongeneral Fund Positions.....	195.00	106.00		
35		Position Level.....	3,702.71	3,711.71		
36		Fund Sources: General.....	\$525,416,049	\$547,083,773		
37				\$547,583,773		
38		Special.....	\$10,498,088	\$10,498,088		
39		Dedicated Special Revenue.....	\$25,555,039	\$25,555,039		

		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
ITEM 51.10.					
1	Federal Trust.....	\$1,314,745	\$1,314,745		

ITEM 52.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
1	EXECUTIVE DEPARTMENT			
2	EXECUTIVE OFFICES			
3	52.	Not set out.		
4	53.	Not set out.		
5	54.	Not set out.		
6	55.	Not set out.		
7	56.	Not set out.		
8	§ 1-6. ATTORNEY GENERAL AND DEPARTMENT OF LAW (141)			
9	57.	Legal Advice (32000).....	\$37,383,302	\$42,263,262
10				\$42,547,898
11		State Agency/Local Legal Assistance and Advice		
12		(32002).....	\$37,383,302	\$42,263,262
13				\$42,547,898
14		Fund Sources: General.....	\$23,488,332	\$28,368,292
15				\$28,652,928
16		Special.....	\$12,644,138	\$12,644,138
17		Federal Trust.....	\$1,250,832	\$1,250,832
18		Authority: Title 2.2 Chapter 5, Code of Virginia.		
19		A. Out of this appropriation shall be paid:		
20		1. The salary of the Attorney General, \$150,000 the first year and \$150,000 the second		
21		year.		
22		2. Expenses of the Attorney General not otherwise reimbursed, \$9,000 each year in equal		
23		monthly installments.		
24		3. Salary expenses necessary to provide legal services pursuant to Title 2.2, Chapter 5,		
25		Code of Virginia.		
26		B. Out of this appropriation, \$738,536 the first year and \$738,536 the second year from		
27		the general fund is designated for efforts to enforce the 1998 Tobacco Master Settlement		
28		Agreement and Article 1 (§ 3.2-4200, et seq.), Chapter 42, Title 3.2, Code of Virginia. The		
29		Department of Law shall be responsible for enforcement of Article 1 (§ 3.2-4200, et seq.),		
30		Chapter 42, Title 3.2, Code of Virginia and the 1998 Tobacco Master Settlement		
31		Agreement. The general fund shall be reimbursed on a proportional basis from the		
32		Tobacco Indemnification and Community Revitalization Fund and the Virginia Tobacco		
33		Settlement Fund for costs associated with the enforcement of the 1998 Tobacco Master		
34		Settlement Agreement pursuant to transfers directed by Item 479 and § 3-1.01, Paragraph		
35		N of this act.		
36		C. Upon notification by the Attorney General, agencies that administer programs which		
37		are funded wholly or partially from nongeneral fund appropriations shall transfer to the		
38		Department of Law the necessary funds to cover the costs of legal services that are related		
39		to such nongeneral funds. The Attorney General, in consultation with the respective		
40		agency heads, shall determine the amounts for transfer. It is the intent of the General		
41		Assembly that legal services provided by the Office of the Attorney General for general		
42		fund-supported programs shall be provided out of this appropriation.		
43		D. At the request of the Attorney General, the Director, Department of Planning and		
44		Budget, shall provide an amount not to exceed \$100,000 per year from the Miscellaneous		
45		Contingency Reserve Account to pay the compensation, fees, and expenses of (i) counsel		

ITEM 57.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	appointed by the Office of the Attorney General in actions brought pursuant to § 15.2-1643,				
2	Code of Virginia, to cause court facilities to be made secure, or put in good repair, or rendered				
3	otherwise safe, and (ii) counsel representing court personnel, including clerks, judges, and				
4	Justices in actions arising out of their official duties.				
5	E.1. Pursuant to Chapter 577 of the Acts of Assembly of 2008, the Office of the Attorney				
6	General shall provide legal service in civil matters and consultation and legal advice in suits				
7	and other legal actions to soil and water conservation district directors and districts upon the				
8	request of those district directors or districts at no charge, inclusive of all fees, expenses, or				
9	other costs associated with litigation, excluding the payment of damages.				
10	2. If the Office of the Attorney General is unable to provide legal services to the soil and				
11	water conservation districts, and as a result the districts incur costs from retaining other				
12	counsel, then the Director of the Department of Planning and Budget shall transfer general				
13	fund appropriations from the Office of the Attorney General to the Department of				
14	Conservation and Recreation in an amount equal to the cost incurred by the soil and water				
15	conservation districts to be used to reimburse the districts for costs incurred.				
16	F. The Attorney General shall prepare and submit a report to the Chairmen of the House				
17	Appropriations and Senate Finance Committees by November 1 of each year detailing				
18	expenditures in the prior fiscal year for special outside counsel by any executive branch				
19	agencies. The report shall include the reasoning why outside counsel is necessary, the hourly				
20	rate charged by outside counsel, total expenditures, and funding source.				
21	G. Except as otherwise specifically provided by law, all legal services of the Office of the				
22	Attorney General shall be performed exclusively by (i) an employee of the Office, (ii) an				
23	employee of another Virginia governmental entity as may be provided by law, (iii) an				
24	employee of a federal governmental entity pursuant to an agreement between the Office of the				
25	Attorney General and such federal governmental entity, or (iv) law students or recent law				
26	school graduates sponsored by a separate institution with a stipend. Except as otherwise				
27	specifically provided under this act, the sole source of compensation paid to employees of the				
28	Office of the Attorney General for performing legal services on behalf of the Commonwealth				
29	shall be from the appropriations provided under this act. In any case in which the Office of the				
30	Attorney General is authorized under law to contract with, hire, or engage a person other than				
31	a person described in clauses (i), (ii), (iii), or (iv) to perform legal services on behalf of the				
32	Commonwealth, the sole consideration for such legal services shall be a monetary amount				
33	bargained for in an arm's length transaction with such person and the Office of the Attorney				
34	General or another Virginia governmental entity, stating under what authority that office				
35	enters the contract. Only persons described in clauses (i), (ii), (iii), or (iv) shall perform legal				
36	services on premises leased by the Office of the Attorney General. Nothing in this paragraph				
37	shall prohibit the Office of the Attorney General from entering into a settlement agreement				
38	with a defendant arising from a case litigated or prosecuted by a federal governmental entity,				
39	local governmental entity, or an Attorney General's Office in another state or United States				
40	territory. Nothing in this paragraph shall prohibit the Office of the Attorney General from				
41	employing and providing office space to an unpaid intern assisting in performing legal				
42	services, provided that such intern does not possess a current license to practice law in the				
43	Commonwealth, any other state, or any United States territory.				
44	H. Out of the amounts included in this appropriation, \$404,273 is provided in the second year				
45	from the general fund pursuant to the passage of House Bill 2004 in the 2021 General				
46	Assembly.				
47	I. The appropriation in this item includes up to \$250,000 from the general fund in the first				
48	year to conduct an independent, third-party investigation of the Office of the State Inspector				
49	General's policies, process, and procedures employed during its investigation of the Virginia				
50	Parole Board's handling of the Vincent Martin matter. The Office of the Attorney General, in				
51	consultation with the Office of the Governor, the Speaker of the House of Delegates, and the				
52	President pro tempore of the Senate, is directed to secure an investigator to conduct the				
53	investigation. The Office of the State Inspector General and the Virginia Parole Board shall				
54	cooperate fully in the investigation. Records that are confidential under federal or state law				
55	shall be maintained as confidential by the Office of State Inspector General and shall not be				
56	further disclosed, except as required by law. Records that are confidential under state law				
57	shall be accessible to the investigator; records that are confidential under federal law shall be				

ITEM 57.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	made available to the extent permitted by federal law. All confidential records provided to				
2	the investigator shall be maintained as confidential by the investigator and shall not be				
3	further disclosed, except as required by law. Notwithstanding any other provision of law,				
4	investigative notes, draft reports, and other correspondence generated during the course of				
5	this investigation are exempt from disclosure under the Virginia Freedom of Information				
6	Act, section 2.2-3700 et seq. of the Code of Virginia. No later than June 15, 2021, the				
7	investigator shall prepare a written report to the Governor, Speaker, Majority Leader and				
8	Minority Leader of the House of Delegates, President pro tempore, Majority Leader and				
9	Minority Leader of the Senate with the investigator's findings and any recommendations.				
10	58. Not set out.				
11	59. Not set out.				
12	60. Not set out.				
13	61. Not set out.				
14	Total for Attorney General and Department of Law			\$57,117,126	\$62,111,795
15					\$62,396,431
16	General Fund Positions.....	245.75	253.75		
17			309.75		
18	Nongeneral Fund Positions.....	203.25	203.25		
19	Position Level.....	449.00	457.00		
20			513.00		
21	Fund Sources: General.....	\$26,682,220	\$31,676,889		
22			\$31,961,525		
23	Special.....	\$18,504,588	\$18,504,588		
24	Federal Trust.....	\$11,930,318	\$11,930,318		
25	62. Not set out.				
26	Grand Total for Attorney General and Department				
27	of Law.....			\$60,471,572	\$65,466,241
28					\$65,750,877
29	General Fund Positions.....	245.75	253.75		
30			309.75		
31	Nongeneral Fund Positions.....	230.25	230.25		
32	Position Level.....	476.00	484.00		
33			540.00		
34	Fund Sources: General.....	\$26,682,220	\$31,676,889		
35			\$31,961,525		
36	Special.....	\$21,859,034	\$21,859,034		
37	Federal Trust.....	\$11,930,318	\$11,930,318		
38	63. Not set out.				
39	64. Not set out.				
40	65. Not set out.				
41	TOTAL FOR EXECUTIVE OFFICES.....			\$79,077,890	\$83,461,867
42					\$83,746,503
43	General Fund Positions.....	342.92	347.92		
44			403.92		
45	Nongeneral Fund Positions.....	247.58	247.58		
46	Position Level.....	590.50	595.50		
47			651.50		

ITEM 65.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Fund Sources: General.....	\$42,639,051	\$47,023,028		
2			<i>\$47,307,664</i>		
3	Special.....	\$22,141,424	\$22,141,424		
4	Commonwealth Transportation.....	\$2,248,113	\$2,248,113		
5	Dedicated Special Revenue.....	\$118,337	\$118,337		
6	Federal Trust.....	\$11,930,965	\$11,930,965		

ITEM 66.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	OFFICE OF ADMINISTRATION			
2	66.	Not set out.		
3	67.	Not set out.		
4	§ 1-7. COMPENSATION BOARD (157)			
5	68.	Not set out.		
6	69.	Not set out.		
7	70.	Not set out.		
8	71.	Not set out.		
9	72.	Not set out.		
10	73.	Not set out.		
11	74.	Not set out.		
12	75.	Administrative and Support Services (79900).....	\$5,208,548	\$5,764,904
13				\$5,780,404
14		General Management and Direction (79901).....	\$3,671,951	\$3,921,951
15		Information Technology Services (79902).....	\$1,501,447	\$1,807,803
16				\$1,823,303
17		Training Services (79925).....	\$35,150	\$35,150
18		Fund Sources: General.....	\$5,208,548	\$5,764,904
19				\$5,780,404
20	Authority: Title 2.2-1839; Title 15.2, Chapter 16, Articles 2, 3, 4 and 6.1; Title 17.1,			
21	Chapter 2, Article 7, Code of Virginia.			
22	A.1. In determining the salary of any officer specified in Items 68, 70, 71, 72, 73, and 74			
23	of this act, the Compensation Board shall use the greater of the most recent actual United			
24	States census count or the most recent provisional population estimate from the United			
25	States Bureau of the Census or the Weldon Cooper Center for Public Service of the			
26	University of Virginia available when fixing the officer's annual budget and shall adjust			
27	such population estimate, where applicable, for any annexation or consolidation order by a			
28	court when such order becomes effective. There shall be no reduction in salary by reason			
29	of a decline in population during the terms in which the incumbent remains in office.			
30	2. In determining the salary of any officer specified in Items 68, 70, 71, 72, 73, and 74 of			
31	this act, nothing herein contained shall prevent the governing body of any county or city			
32	from supplementing the salary of such officer in such county or city for the provisions of			
33	Chapter 822, 2012 Acts of Assembly or for additional services not required by general			
34	law; provided, however, that any such supplemental salary shall be paid wholly by such			
35	county or city.			
36	3. Any officer whose salary is specified in Items 68, 70, 71, 72, 73, and 74 of this act shall			
37	provide reasonable access to his work place, files, records, and computer network as may			
38	be requested by his duly elected successor after the successor has been certified.			
39	B.1. Notwithstanding any other provision of law, the Compensation Board shall authorize			
40	and fund permanent positions for the locally elected constitutional officers, subject to			
41	appropriation by the General Assembly, including the principal officer, at the following			
42	levels:			
43	FY 2021		FY 2022	

ITEM 75.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Sheriffs		11,425		11,520
2	Partially Funded: Jail Medical, Treatment,		796		808
3	and Classification and Records Positions				
4	Commissioners of the Revenue		851		851
5	Treasurers		861		861
6	Directors of Finance		383		383
7	Commonwealth's Attorneys		1,332		1,332
8	Clerks of the Circuit Court		1,158		1,158
9	TOTAL		16,806		16,913
10	2. The Compensation Board is authorized to provide funding for 597 temporary positions the				
11	first year and 597 temporary positions the second year.				
12	3. The board is authorized to adjust the expenses and other allowances for such officers to				
13	maintain approved permanent and temporary manpower levels.				
14	4. Paragraphs B 1 and B 2 of this Item shall not apply to the clerks of the circuit courts and				
15	their employees specified in § 17.1-288, Code of Virginia, or those under contract pursuant to				
16	§ 17.1-290, Code of Virginia.				
17	C.1. Reimbursement by the Compensation Board for the use of vehicles purchased or leased				
18	with public funds used in the discharge of official duties shall be at a rate equal to that				
19	approved by the Joint Legislative Audit and Review Commission for Central Garage Car Pool				
20	services. No vehicle purchased or leased with public funds on or after July 1, 2002, shall				
21	display lettering on the exterior of the vehicle that includes the name of the incumbent sheriff.				
22	2. Reimbursement by the Compensation Board for the use of personal vehicles in the				
23	discharge of official duties shall be at a rate equal to that established in § 4-5.04 e 2. of this				
24	act. All such requests for reimbursement shall be accompanied by a certification that a				
25	publicly owned or leased vehicle was unavailable for use.				
26	D. The Compensation Board is directed to examine the current level of crowding of inmates				
27	in local jails among the several localities and to reallocate or reduce temporary positions				
28	among local jails as may be required, consistent with the provisions of this act.				
29	E. Any new positions established in Item 75 of this act shall be allocated by the Compensation				
30	Board upon request of the constitutional officers in accordance with staffing standards and				
31	ranking methodologies approved by the Compensation Board to fulfill the requirements of				
32	any court order occurring from proceedings under § 15.2-1636.8, Code of Virginia, in				
33	accordance with the provisions of Item 68 of this act.				
34	F. Any funds appropriated in this act for performance pay increases for designated deputies or				
35	employees of constitutional officers shall be allocated by the Compensation Board upon				
36	certification of the constitutional officer that the performance pay plan for that office meets				
37	the minimum standards for such plans as set by the Compensation Board. Nothing herein, and				
38	nothing in any performance pay plan set by the Compensation Board or adopted by a				
39	constitutional officer, shall change the status of employees or deputies of constitutional				
40	officers from employees at will or create a property or contractual right to employment. Such				
41	deputies and employees shall continue to be employees at will who serve at the pleasure of				
42	the constitutional officers.				
43	G. The Compensation Board shall apply the current fiscal stress factor, as determined by the				
44	Commission on Local Government, to any general fund amounts approved by the board for				
45	the purchase, lease or lease purchase of equipment for constitutional officers. In the case of				
46	equipment requests from regional jail superintendents and regional special prosecutors, the				
47	highest stress factor of a member jurisdiction will be used.				
48	H. The Compensation Board shall not approve or commit additional funds for the operational				
49	cost, including salaries, for any local or regional jail construction, renovation, or expansion				
50	project which was not approved for reimbursement by the State Board of Corrections prior to				
51	January 1, 1996, unless: (1) the Secretary of Public Safety and Homeland Security certifies				
52	that such additional funding results in an actual cost savings to the Commonwealth or (2) an				
53	exception has been granted as provided for in Item 398 of this act.				

ITEM 75.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	I. Subject to appropriations by the General Assembly for this purpose, the Compensation				
2	Board may provide funding for executive management, lawful employment practices, and				
3	jail management training for constitutional officers, their employees, and regional jail				
4	superintendents.				
5	J. Any local or regional jail that receives funding from the Compensation Board shall				
6	report inmate populations to the Compensation Board, through the local inmate data				
7	system, no less frequently than weekly. Each local or regional jail that receives funding				
8	from the Compensation Board shall use the Virginia Crime Codes (VCC) in identifying				
9	and describing offenses for persons arrested and/or detained in local and regional jails in				
10	Virginia.				
11	K.1. The Compensation Board shall provide the Chairmen of the Senate Finance and				
12	House Appropriations Committees and the Secretaries of Finance and Administration with				
13	an annual report, on December 1 of each year, of jail revenues and expenditures for all				
14	local and regional jails and jail farms which receive funds from the Compensation Board.				
15	Information provided to the Compensation Board is to include an audited statement of				
16	revenues and expenses for inmate canteen accounts, telephone commission funds, inmate				
17	medical co-payment funds, any other fees collected from inmates and investment/interest				
18	monies for inclusion in the report.				
19	2. Local and regional jails and jail farms and local governments receiving funds from the				
20	Compensation Board shall, as a condition of receiving such funds, provide such				
21	information as may be required by the Compensation Board, necessary to prepare the				
22	annual jail cost report.				
23	3. If any sheriff, superintendent, county administrator, or city manager fails to send such				
24	information within five working days after the information should be forwarded, the				
25	Chairman of the Compensation Board shall notify the sheriff, superintendent, county				
26	administrator or city manager of such failure. If the information is not provided within ten				
27	working days from that date, then the chairman shall cause the information to be prepared				
28	from the books of the city, county, or regional jail and shall certify the cost thereof to the				
29	State Comptroller. The State Comptroller shall issue his warrant on the state treasury for				
30	that amount, deducting the same from any funds that may be due the sheriff or regional				
31	jail from the Commonwealth.				
32	L. In the event of the transition of a city to town status pursuant to the provisions of				
33	Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2, Code of Virginia, or the consolidation of a				
34	city and a county into a single city pursuant to the provisions of Chapter 35 (§ 15.2-3500				
35	et seq.) of Title 15.2, Code of Virginia, subsequent to July 1, 1999, the Compensation				
36	Board shall provide funding from Items 68, 71, 72, 73, and 74 of this act, consistent with				
37	the requirements of § 15.2-1302 , Code of Virginia. Notwithstanding the provisions of				
38	paragraph E of this Item, any positions in the constitutional offices of the former city or				
39	former county which are available for reallocation as a result of the transition or				
40	consolidation shall be first reallocated in accordance with Compensation Board staffing				
41	standards to the constitutional officers in the county in which the town is situated or to the				
42	consolidated city, without regard to the Compensation Board's priority of need ranking for				
43	reallocated positions. The salary and fringe benefit costs for these positions shall be				
44	deducted from any amounts due the county or to the consolidated city, as provided in §				
45	15.2-1302 , Code of Virginia.				
46	M. Notwithstanding any other provisions of § 15.2-1605 , Code of Virginia, the				
47	Compensation Board shall provide no reimbursement for accumulated vacation time for				
48	employees of Constitutional Officers.				
49	N. The Compensation Board is hereby authorized to deduct, from reimbursements made				
50	each year to localities out of the amounts in Items 68, 70, 71, 72, 73, and 74 of this act, an				
51	amount equal to 100 percent of each locality's share of the insurance premium paid by the				
52	Compensation Board on behalf of the constitutional officers, directors of finance, and				
53	regional jails. From sheriffs and regional jails, the Compensation Board shall deduct an				
54	additional \$80,000 each year for the costs of conducting training on managing risk in the				
55	operation of local and regional jails.				

ITEM 75.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	O. Effective July 1, 2007, the Compensation Board is authorized to withhold reimbursements				
2	due the locality for sheriff and jail expenses upon notification from the Superintendent of				
3	State Police that there is reason to believe that crime data reported by a locality to the				
4	Department of State Police in accordance with § 52-28, Code of Virginia, is missing,				
5	incomplete or incorrect. Upon subsequent notification by the Superintendent that the data is				
6	accurate, the Compensation Board shall make reimbursement of withheld funding due the				
7	locality when such corrections are made within the same fiscal year that funds have been				
8	withheld.				
9	P. Notwithstanding the provisions of § 51.1-1403 A, Code of Virginia, the Compensation				
10	Board is hereby authorized to deduct, from reimbursements made each year to localities out of				
11	the amounts in Items 68, 70, 71, 72, 73, and 74 of this act, an amount equal to each locality's				
12	retiree health premium paid by the Compensation Board on behalf of the constitutional				
13	offices, directors of finance, and regional jails.				
14	Q.1. Compensation Board payments of, or reimbursements for, the employer paid				
15	contribution to the Virginia Retirement System, or any system offering like benefits, shall not				
16	exceed the Commonwealth's proportionate share of the following, whichever is less: (a) the				
17	actual retirement rate for the local constitutional officer's office or regional correctional				
18	facility as set by the Board of the Virginia Retirement System or (b) the employer rate				
19	established for the general classified workforce of the Commonwealth covered under and				
20	payable to the Virginia Retirement System.				
21	2. The rate specified in paragraph Q.1. shall exclude the cost of any early retirement program				
22	implemented by the Commonwealth.				
23	3. Any employer paid contribution costs for rates exceeding those specified in paragraph Q.1.				
24	shall be borne by the employer.				
25	4. The benefits rate reimbursed by the Compensation Board to localities and regional jails				
26	shall not exceed the rate identified for fiscal year 2011 in Chapter 890, Item 469, paragraph				
27	I.1.				
28	R. Localities shall not utilize Compensation Board funding to supplant local funds provided				
29	for the salaries of constitutional officers and their employees under the provisions of Chapter				
30	822, 2012 Acts of Assembly, who were affected members in service on June 30, 2012.				
31	S. Effective July 1, 2016, the Compensation Board is authorized to withhold reimbursements				
32	due to the locality for sheriff's law enforcement expenses if the sheriff fails to certify to the				
33	Board that the sheriff's office is compliant with the sex offender registration requirements of §				
34	9.1-903, Code of Virginia. Upon subsequent certification by the sheriff that the sheriff's office				
35	is compliant with the sex offender registration requirements of § 9.1-903, Code of Virginia,				
36	the Compensation Board shall make reimbursement of withheld funding due to the locality				
37	when such subsequent certification is made within the same fiscal year that funds have been				
38	withheld.				
39	T.1. Consistent with the provisions of Chapter 198 of the 2017 Session of the General				
40	Assembly, the Executive Secretary of the State Compensation Board shall implement the				
41	recommendations relating to the State Compensation Board made by the Department of				
42	Medical Assistance Services in its November 30, 2017 report on streamlining the Medicaid				
43	application and enrollment process for incarcerated individuals.				
44	U. The Compensation Board shall perform a review of the career development programs				
45	within the constitutional offices regarding the demographic composition of the employees in				
46	the programs and make recommendations as needed to ensure equity and fairness within the				
47	programs. The Compensation Board shall provide a report to the Chairs of the House				
48	Appropriations and Senate Finance and Appropriations Committees by November 1, 2020.				
49	V.1. The Compensation Board shall work with the Virginia Association of Commonwealth's				
50	Attorneys to examine the staffing standards used to determine and distribute funding and				
51	positions allocated to Commonwealth's Attorney's offices, including the use of diversion				
52	programs, specialty dockets, and other programs that incentivize best practices and improved				
53	outcomes as part of overall criminal justice reform efforts, rather than the current practice				
54	which relies solely on metrics related to felony charges and convictions. The examination				

ITEM 75.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	shall identify funding needs to support staffing for statutorily prescribed duties while also				
2	identifying funding needs for participation in special programs, discretionary duties, and				
3	current local supplemental funds allocated. To assist in this goal, the Compensation Board				
4	shall contract with the National Center for State Courts to perform a time study as to the				
5	comprehensive duties and responsibilities of Commonwealth's Attorneys' offices				
6	including, but not limited to, "in-court" obligations, the use of diversion programs and				
7	specialty dockets, expungement/rights restoration volume as well as other obligations				
8	reflected in the Code of Virginia (e.g. duties prescribed under §15.2-1627, et seq). The				
9	Compensation Board shall develop a revised staffing standard for Commonwealth's				
10	Attorney's offices based on the results of the study that expands the current model focused				
11	on felony charges and convictions and accounts for the use of diversion programs,				
12	specialty dockets, and other programs. Included within this appropriation is \$250,000 in				
13	the second year from the general fund for the purpose of contracting with the Center to				
14	perform the study. All Commonwealth's Attorneys shall participate in the study as needed				
15	and identified by the Compensation Board and the National Center for State Courts.				
16	2. The Compensation Board shall provide a status report on the progress of the study and				
17	participants to the Chairs of the House Appropriations and Senate Finance and				
18	Appropriations Committees by November 1, 2021. The Compensation Board shall deliver				
19	a report containing the results of the study, anticipated costs, and staffing standards				
20	methodology revisions under review or approved by the Board to the Chairs of the House				
21	Appropriations and Senate Finance and Appropriations Committees by November 1,				
22	2022.				
23	W. The Compensation Board shall review the plan to be developed by the Department of				
24	Criminal Justice Services by July 1, 2021 outlining law enforcement agencies' roles and				
25	engagement with the development of the Mental Health Awareness Response and				
26	Community Understanding Services Alert System, established pursuant to House Bill				
27	5043 and Senate Bill 5038 of the 2020 Special Session I of the General Assembly, and				
28	shall survey sheriffs' offices to determine anticipated costs to support staffing and training				
29	needs to meet the requirements established by the plan. The Compensation Board shall				
30	provide a report to the Chairs of the House Appropriations and Senate Finance and				
31	Appropriations Committees by November 1, 2021 of the findings of the survey and				
32	estimated costs to meet the requirements established by the plan.				
33	75.10 Not set out.				
34	Total for Compensation Board.....			\$735,071,920	\$746,418,253
35					\$746,433,753
36	General Fund Positions.....	20.00	21.00		
37	Nongeneral Fund Positions.....	1.00	1.00		
38	Position Level.....	21.00	22.00		
39	Fund Sources: General.....	\$718,465,692	\$729,812,025		
40			\$729,827,525		
41	Trust and Agency.....	\$8,003,370	\$8,003,370		
42	Dedicated Special Revenue.....	\$8,602,858	\$8,602,858		
43	76. Not set out.				
44	77. Not set out.				
45	78. Not set out.				
46	79. Not set out.				
47	80. Not set out.				
48	81. Not set out.				
49	82. Not set out.				

ITEM 82.10.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	82.10	Not set out.				
2	§ 1-8. DEPARTMENT OF HUMAN RESOURCE MANAGEMENT (129)					
3	83.	Personnel Management Services (70400).....			\$108,485,214	\$109,594,197
4						\$109,664,664
5		Agency Human Resource Services (70401).....	\$1,915,564	\$2,915,564		
6		Human Resource Service Center (70402).....	\$1,176,473	\$1,114,273		
7		Equal Employment Services (70403).....	\$725,773	\$725,773		
8		Health Benefits Services (70406).....	\$7,096,747	\$7,096,747		
9		Personnel Development Services (70409).....	\$409,805	\$712,695		
10				\$783,162		
11		Personnel Management Information Services				
12		(70410).....	\$1,395,087	\$1,263,380		
13		Employee Dispute Resolution Services (70416).....	\$1,182,370	\$1,182,370		
14		State Employee Program Services (70417).....	\$1,905,191	\$1,905,191		
15		State Employee Workers' Compensation Services				
16		(70418).....	\$91,463,439	\$91,463,439		
17		Administrative and Support Services (70419).....	\$1,214,765	\$1,214,765		
18		Fund Sources: General.....	\$5,143,817	\$6,446,707		
19				\$6,517,174		
20		Special.....	\$1,805,051	\$1,742,851		
21		Enterprise.....	\$2,596,995	\$2,596,995		
22		Internal Service.....	\$7,104,757	\$6,973,050		
23		Trust and Agency.....	\$91,834,594	\$91,834,594		
24	Authority: Title 2.2, Chapters 12 and 28, 29, 30, and 32, Code of Virginia.					
25	A. The Department of Human Resource Management shall report any proposed changes in					
26	premiums, benefits, carriers, or provider networks to the Governor and the Chairmen of the					
27	House Appropriations and Senate Finance Committees at least sixty days prior to					
28	implementation.					
29	B.1. The Department of Human Resource Management shall operate a human resource					
30	service center to support the human resource needs of those agencies identified by the					
31	Secretary of Administration in consultation with the Department of Planning and Budget. The					
32	agencies identified shall cooperate with the Department of Human Resource Management by					
33	transferring such records and functions as may be required.					
34	2. Nothing in this paragraph shall prohibit additional agencies from using the services of the					
35	center; however, these additional agencies' use of the human resource service center shall be					
36	subject to approval by the affected cabinet secretary and the Secretary of Administration.					
37	3.The cost of the human resource center's services shall be recovered and paid solely from					
38	revenues derived from charges for services. The rates required to recover the costs of the					
39	human resource service center shall be provided by the Department of Human Resource					
40	Management to the Department of Planning and Budget by September 1 each year for review					
41	and approval of the subsequent fiscal year's rate in accordance with § 4-5.03 of this act.					
42	4. The rates for the human resource service center shall be \$1,306.00 per full-time equivalent					
43	and \$483.00 per wage employee the first year and \$1,237.00 per full-time equivalent and					
44	\$458.00 per wage employee the second year.					
45	C. The institutions of higher education shall be exempt from the centralized advertising					
46	requirements identified in Executive Order 73 (01).					
47	D.1. To ensure fair and equitable performance reviews, the Department of Human Resource					
48	Management, within available resources, is directed to provide performance management					
49	training to agencies and institutions of higher education with classified employees.					
50	2. Agency heads in the Executive Department are directed to require appropriate performance					
51	management training for all agency supervisors and managers.					

ITEM 83.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	E. The Department of Human Resource Management shall take into account the claims				
2	experience of each agency and institution when setting premiums for the workers'				
3	compensation program.				
4	F.1. The Department of Human Resource Management shall report to the Governor and				
5	Chairmen of the House Appropriations and Senate Finance Committees by October 30 of				
6	each year, on its recommended workers' compensation premiums for state agencies for the				
7	following biennium. This report shall also include the basis for the department's				
8	recommendations; the status and recommendations of the loss control program authorized				
9	in paragraph F. 2; the number and amount of workers' compensation settlements				
10	concluded in the previous fiscal year, inclusive of those authorized in paragraph F. 3.a;				
11	and the impact of those settlements on the workers' compensation program's reserves.				
12	2. Beginning July 1, 2015, the Department of Human Resource Management shall conduct				
13	an annual review of each state agency's loss control history, to include the severity of				
14	workers' compensation claims, experience modification factor, and frequency normalized				
15	by payroll. Based on the annual review, state agencies deemed by the Department of				
16	Human Resource Management as having higher than normal loss history shall be required				
17	to participate in a loss control program. All executive, judicial, legislative, and				
18	independent agencies required to participate in the loss control program shall fully				
19	cooperate with the Department of Human Resource Management's review.				
20	3.a. A working capital advance of up to \$20,000,000 shall be provided to the Department				
21	of Human Resource Management to identify and potentially settle certain workers'				
22	compensation claims open for more than one year but less than 10 years. The Department				
23	of Human Resource Management shall pay back the working capital advance from annual				
24	premiums over a seven-year period.				
25	b. The Secretary of Finance and Secretary of Administration shall approve the drawdowns				
26	from this working capital advance prior to the expenditure of funds. The State Comptroller				
27	shall notify the Governor and the Chairmen of the House Appropriations and Senate				
28	Finance Committees of any approved drawdowns.				
29	G. The Department of Human Resource Management shall report to the Governor and				
30	Chairmen of the House Appropriations and Senate Finance Committees, by October 15 of				
31	each year, on the renewal cost of the state employee health insurance program premiums				
32	that will go into effect on July 1 of the following year. This report shall include the impact				
33	of the renewal cost on employee and employer premiums and a valuation of liabilities as				
34	required by Other Post Employment Benefits reporting standards.				
35	H. Out of this appropriation, \$606,439 the first year and \$606,439 the second year from				
36	the general fund is provided for the time, attendance and leave system.				
37	I. The Department of Human Resource Management shall develop and distribute				
38	instructions and guidelines to all executive department agencies for the provision of an				
39	annual statement of total compensation for each classified employee. The statement				
40	should account for the full cost to the Commonwealth and the employee of cash				
41	compensation as well as Social Security, Medicare, retirement, deferred compensation,				
42	health insurance, life insurance, and any other benefits. The Director, Department of				
43	Human Resource Management, shall ensure that all executive department agencies				
44	provide this notice to each employee. The Department of Accounts and the Virginia				
45	Retirement System shall provide assistance upon request. Further, the Director of the				
46	Department of Human Resource Management shall provide instructions and guidelines for				
47	the development notices of total compensation to all independent, legislative, and judicial				
48	agencies, and institutions of higher education for preparation of annual statements to their				
49	employees.				
50	J. 1. The appropriation for the Personnel Management Information System (PMIS) is a				
51	sum sufficient and amounts shown are estimates from an internal service fund which shall				
52	be paid solely from revenues derived from charges to participating agencies, identified by				
53	the Department of Human Resource Management and approved by the Department of				
54	Planning and Budget, to support the operation of PMIS and its subsystems authorized in				
55	this Item.				

ITEM 83.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	2.a. The rate for agencies to support PMIS and its subsystems, operated and maintained by the				
2	Department of Human Resource Management, shall be \$10.91 per position the first year and				
3	no more than \$10.66 per position the second year. The rate is based upon the higher of the				
4	agency's maximum employment level as of July 1, 2019, and filled wage positions as of June				
5	30, 2019, or the total number of filled classified and wage positions as of June 30, 2019.				
6	b. The rates authorized to support the operation of PMIS and its subsystems shall be provided				
7	by the Department of Human Resource Management and approved by the Department of				
8	Planning and Budget by September 1 each year for review and approval of the subsequent				
9	fiscal year's rate in accordance with § 4-5.03 of this act.				
10	3. The State Comptroller shall recover the cost of services provided for the administration of				
11	the internal service fund through interagency transactions as determined by the State				
12	Comptroller.				
13	K. The Department of Human Resource Management shall work with the Virginia				
14	Information Technologies Agency to develop a pilot program, beginning in July of 2019,				
15	utilizing a currently available electronic platform, to track and evaluate the productivity				
16	contract staff when teleworking or working in an office that is not part of the agency for				
17	which they work or for which they have a contract. The Departments shall identify specific				
18	executive branch agencies which have a significant number of such contractors and work with				
19	these agencies to develop the pilot project. The Departments shall report to the Chairmen of				
20	the House Appropriations and Senate Finance Committees on the results of the pilot program				
21	by November 15, 2020.				
22	L. Out of the amounts appropriated for this item, \$24,400 from the general fund the first year				
23	is provided for the development of a diversity and cultural competency training module,				
24	which is to be administered to all state employees employed on or after January 1, 2021.				
25	M. The Director of the Department of Human Resource Management shall communicate to				
26	all executive branch agencies the requirement that all employees with state email addresses				
27	and state phone numbers include contact information in their email signature, which shall				
28	include, at a minimum, an office phone number and/or state cell phone number.				
29	N. The Department in collaboration with the Department of General Services, the Virginia				
30	Information Technologies Agency, and any other state agency upon request, shall examine the				
31	Commonwealth's existing telework policies, and how agency program and service delivery				
32	tools and methodologies employed during the COVID-19 pandemic may inform future policy				
33	objectives regarding the use of telework and alternative work schedules as a means of				
34	achieving administrative efficiencies, reducing cost, and sustaining the hiring and retention of				
35	a highly qualified workforce. The Department shall report to the Governor and the Chairs of				
36	the House Appropriations and Senate Finance and Appropriations Committees on its findings				
37	by September 1, 2021.				
38	Total for Department of Human Resource				
39	Management.....			\$108,485,214	\$109,594,197
40					\$109,664,664
41	General Fund Positions.....	43.90	43.90		
42	Nongeneral Fund Positions.....	71.10	71.10		
43	Position Level.....	115.00	115.00		
44	Fund Sources: General.....	\$5,143,817	\$6,446,707		
45			\$6,517,174		
46	Special.....	\$1,805,051	\$1,742,851		
47	Enterprise.....	\$2,596,995	\$2,596,995		
48	Internal Service.....	\$7,104,757	\$6,973,050		
49	Trust and Agency.....	\$91,834,594	\$91,834,594		
50	84. Not set out.				
51	85. Not set out.				

ITEM 85.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Grand Total for Department of Human Resource				
2	Management.....			\$2,307,035,620	\$2,412,144,603
3					\$2,412,215,070
4	General Fund Positions.....	44.90	44.90		
5	Nongeneral Fund Positions.....	71.10	71.10		
6	Position Level.....	116.00	116.00		
7	Fund Sources: General.....	\$6,623,156	\$7,926,046		
8			\$7,996,513		
9	Special.....	\$1,805,051	\$1,742,851		
10	Enterprise.....	\$590,052,239	\$590,052,239		
11	Internal Service.....	\$1,581,300,580	\$1,685,168,873		
12	Trust and Agency.....	\$127,254,594	\$127,254,594		
13	§ 1-9. DEPARTMENT OF ELECTIONS (132)				
14	86. Electoral Services (72300).....			\$35,593,662	\$16,910,479
15					\$16,939,330
16	Electoral Administration, Uniformity, Legality,				
17	and Quality Assurance Services (72302).....	\$1,621,062	\$1,621,062		
18	Statewide Voter Registration System and				
19	Associated Information Technology Services				
20	(72304).....	\$30,157,756	\$11,386,990		
21			\$11,415,841		
22	Campaign Finance Disclosure Administration				
23	Services (72309).....	\$178,568	\$178,568		
24	Voter Services and Communications (72311).....	\$1,060,726	\$1,148,039		
25	Administrative Services (72312).....	\$2,575,550	\$2,575,820		
26	Fund Sources: General.....	\$32,541,412	\$13,858,229		
27			\$13,887,080		
28	Special.....	\$52,250	\$52,250		
29	Trust and Agency.....	\$3,000,000	\$3,000,000		
30	Authority: Title 24.2, Chapter 1, Code of Virginia.				
31	A. It is the intention of the General Assembly that all local precincts, other than central				
32	absentee precincts established under § 24.2-712, Code of Virginia, will use electronic				
33	pollbooks for elections held beginning in November, 2010.				
34	B. Any locality using paper pollbooks for elections held beginning in November, 2010,				
35	shall be responsible for entering voting credit as provided in § 24.2-668. Additionally, any				
36	locality using paper pollbooks for elections held after November, 2010 may be required to				
37	reimburse the Department of Elections for state costs associated with providing paper				
38	pollbooks.				
39	C. Municipalities will pay all expenses associated with May elections after June 30, 2009,				
40	including those costs incurred by the Department of Elections.				
41	D. The State Board of Elections shall by regulation provide for an administrative fee up to				
42	\$25 for each non-electronic report filed with the State Board under § 24.2-947.5. The				
43	regulation shall provide for waiver of the fee based upon indigence.				
44	E. All unpaid charges and civil penalties assessed under Title 24.2 shall be subject to				
45	interest, the administrative collection fee and late penalties authorized in the Virginia Debt				
46	Collection Act, Chapter 48 of Title 2.2, § 2.2-4800 et seq.				
47	F. Out of this appropriation, \$212,687 the first year from the general fund is provided for				
48	voter outreach and education required to inform voters about the photo identification				
49	requirements pursuant to Chapter 725 of the Acts of Assembly of 2013. It is the intent of				
50	the General Assembly that registration cards containing the voter's photograph and				
51	signature be provided free to any eligible voter upon request to the general registrar.				
52	G. Out of this appropriation, \$212,423 the first year and \$212,423 the second year from				

ITEM 86.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	the general fund is provided for conducting list maintenance mailings as required by the				
2	National Voter Registration Act.				
3	H. Out of this appropriation, \$6,800 each year from the general fund is provided to increase				
4	the membership of the State Board of Elections from three members to five members,				
5	consistent with the provisions of § 24.2-102, Code of Virginia.				
6	I. 1. It is the intent of the General Assembly that federal awards from the Help America Vote				
7	Act of 2002 (HAVA) under P.L. 116-93 be used to replace the Virginia Election and				
8	Registration Information System (VERIS) by July 1, 2022. Out of the amounts included in				
9	this item, up to \$18,770,766 the first year from the general fund may be used to support				
10	VERIS replacement and shall serve as the state's required match to receive the federal HAVA				
11	award.				
12	2. All available HAVA funding and associated state matching funds required that are eligible				
13	for this purpose shall be exhausted prior to using other general fund appropriation provided in				
14	this Item.				
15	3. Out of the general fund amounts provided in this paragraph, \$16,735,624 shall be				
16	unallotted. The Secretary of Finance and Secretary of Administration shall approve the				
17	allotment of these funds to be used for VERIS replacement costs after the exhaustion of all				
18	available HAVA funding and the initial required state match component of \$2,035,142.				
19	4. Any balances remaining from the appropriation identified in this paragraph shall not revert				
20	to the general fund at the end of the fiscal year, but shall be brought forward and made				
21	available to support VERIS replacement in the subsequent fiscal year.				
22	J. Out of the amounts included in this item, \$96,644 the first year and \$96,644 the second year				
23	from the general fund and one position shall support a permanent, full-time director of				
24	operations position subject to the Virginia Personnel Act (§ 2.2-2900 et seq.) within the				
25	Department.				
26	K.1 Notwithstanding Virginia Code §§ 24.2-506, 24.2-521, and 24.2-684.1, during a state of				
27	emergency as declared by the Governor due to the novel coronavirus (COVID-19) during				
28	2021, any candidate for nomination by primary or any candidate for any office, other than a				
29	party nominee, may gather petition signatures as prescribed under Chapter 6 of Title 24.2 or				
30	by using the relevant form published by the Department of Elections as described under				
31	paragraph (2).				
32	2. For local offices, offices of the General Assembly, statewide offices, constitutional offices,				
33	and referenda, the Department of Elections will develop and publish, not later than March 1,				
34	2021, forms to be used for petition circulation that permit a qualified petition signer to sign a				
35	petition while not in the presence of a petition circulator, provided that, in using the form, the				
36	petition signer must provide the following information:				
37	a. Affirmation that the signer is who they attest they are;				
38	b. Affirmation that the signer is a resident of their jurisdiction, including a statement of their				
39	address; and				
40	c. The last four digits of the signer's social security number.				
41	3. If an individual signs a petition form published by the Department of Elections as described				
42	under paragraph (2), that individual shall transmit that form, either by mail, electronically, or				
43	physically, to the candidate, the candidate's campaign, or the petition circulator.				
44	4. If a petition form is required to be submitted to the Chair or Chair of the several committees				
45	of the respective party of the candidate for whom the petition is signed, the candidate, the				
46	candidate's campaign, or the appropriate petition circulator shall submit the petition forms as				
47	prescribed under Title 24.2 of the Virginia Code.				
48	5. If a petition form is required to be submitted to a general registrar, the candidate, the				
49	candidate's campaign, or the appropriate petition circulator shall submit the petition forms as				
50	prescribed under Title 24.2 of the Virginia Code.				
51	6. If a petition form is required to be submitted to the State Board of Elections, the candidate,				
52	the candidate's campaign, or the appropriate petition circulator shall submit the petition form				
53	to the State Board of Elections either by mail, electronically, or physically. Any such petition				

ITEM 86.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	forms shall be required to be received by the State Board of Elections by the relevant				
2	deadline under Virginia Code Title 24.2.				
3	7. If a petition is required to be submitted to a court or other appropriate authority pursuant				
4	to Virginia Code § 24.2-684.1, the individual circulating such petition shall submit the				
5	petition to the court or other appropriate authority as prescribed under Title 24.2 of the				
6	Virginia Code.				
7	L.1. For the special elections, general elections, and primaries to be held prior to July 1,				
8	2021 upon receipt of an absentee ballot returned four days prior to the date of the election,				
9	each general registrar shall examine the ballot envelopes to verify completion of the				
10	required voter affirmation.				
11	2. If the general registrar finds during the examination of a returned absentee ballot				
12	envelope that the required voter affirmation was not correctly or completely filled out or				
13	that a procedure required by § 24.2-707 of the Code of Virginia was not properly				
14	followed, and such error or failure shall render the ballot void by law, the general registrar				
15	shall, within three days of such finding, notify the voter of the error or failure. However,				
16	notwithstanding the provisions of §§ 24.2-706 and 24.2-707 of the Code of Virginia, the				
17	failure of an absentee voter marking and returning a mail absentee ballot for special				
18	elections, general elections, and primaries, or ballot measures held prior to July 1, 2021, to				
19	have a witness sign the statement on the back of the absentee ballot return envelope shall				
20	not be considered a material omission and shall not render his ballot void. Such notice				
21	shall be made by phone, email, or in writing and shall provide information to the voter as				
22	to how to correct the issue so his ballot may be counted. The voter shall be entitled to				
23	make such necessary corrections before noon on the third day after the election, and his				
24	ballot shall then be counted pursuant to the procedures set forth in § 24.2-709.1 of the				
25	Code of Virginia if he is found to be entitled to vote. Notwithstanding any other provision				
26	of law to the contrary, no absentee ballot needing correction shall be delivered to the				
27	officers of election at the appropriate precinct until the voter is provided the opportunity to				
28	make the necessary corrections pursuant to this subparagraph.				
29	3. The general registrar may issue a new absentee ballot to the voter if necessary and shall				
30	preserve the first ballot with other spoiled ballots.				
31	M.1. Notwithstanding any other provision of law, for special elections, general elections,				
32	and primaries to be held prior to July 1, 2021, mailed absentee ballots shall be returned (i)				
33	by mail to the office of the general registrar, (ii) by the voter in person to the general				
34	registrar, (iii) to a drop-off location, or (iv) by commercial delivery service.				
35	2. Mailed absentee ballots shall provide instructions that include information on the				
36	locations of all drop-off locations available in the locality at the time such ballots are				
37	mailed by the general registrar.				
38	3. The general registrar of each county or city shall establish at the office of the general				
39	registrar and each voter satellite office in operation for an election a drop-off location for				
40	the purpose of allowing voters to deposit completed absentee ballots for such election. On				
41	the day of the election, there shall also be a drop-off location at each polling place in				
42	operation for the election. The general registrar may establish additional drop-off locations				
43	within the county or city as he deems necessary. All drop-off locations shall be accessible;				
44	be on public property, unless located at a polling place; and otherwise comply with any				
45	criteria for drop-off locations set by the Department of Elections.				
46	4. The Department of Elections shall set standards for the establishment and operation of				
47	drop-off locations, including necessary security requirements. The Department of				
48	Elections shall submit such standards to the Chairs of the House and Senate Committees				
49	on Privileges and Elections, the Senate Committee on Finance and Appropriations, and the				
50	House Committee on Appropriations within 30 days of the effective date of this act.				
51	5. The general registrar of a county or city utilizing drop-off locations shall post notice of				
52	the locations of the drop-off locations in the locality in the office of the general registrar				
53	and on the official website for the county or city. Such notice shall remain in the office of				
54	the general registrar and on the official website for the county or city for the duration of				
55	the period during which absentee ballots may be returned.				

ITEM 86.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	6. Absentee ballots shall be collected from drop-off locations in accordance with the				
2	instructions provided by the Department of Elections. Such instructions shall include chain of				
3	custody requirements and recordkeeping requirements. Absentee ballots shall be collected at				
4	least daily, by two officers of election representing the two major political parties, when				
5	practicable, or by two employees from the office of the general registrar, unless the drop-off				
6	location is in the office of the general registrar, in which case the general registrar or an				
7	assistant general registrar may collect the absentee ballots.				
8	7. Any ballot returned to a drop-off location in any manner except as prescribed by law shall				
9	be void. Absentee ballots shall be returned to a drop-off location before the closing of the				
10	polls. Any voter who is in line to return the voter's absentee ballot at a drop-off location by				
11	7:00 p.m. on the day of the election shall be permitted to deposit the absentee ballot.				
12	N. The general registrar shall include with the absentee ballot prescribed in § 24.2-706 of the				
13	Code of Virginia, an envelope, properly addressed and postage prepaid, for the return of the				
14	ballot to the general registrar by mail for special elections, general elections, and primaries to				
15	be held prior to July 1, 2021.				
16	O. The provisions of paragraphs L., M. and N. shall expire June 30, 2021.				
17	P. The Department shall use remaining funds provided in Chapter 1, 2020 Special Session I				
18	Acts of Assembly to reimburse localities for the cost of prepaid postage for the return of				
19	absentee ballots. The Department of Elections shall reimburse localities for return absentee				
20	ballot prepaid postage by validating qualifying amounts through proper documentation. These				
21	funds shall not be used or otherwise obligated for any other purposes.				
22	Q. Out of the amounts in this item, \$300,000 in the second year from the general fund is				
23	provided for voter outreach and education about new voting laws enacted by the 2020 General				
24	Assembly and 2021 General Assembly.				
25	<i>R. On or before June 30, 2022, the Director, Department of Planning and Budget, shall revert</i>				
26	<i>to the general fund any unused balances from this item, at an amount estimated at \$1,100,000</i>				
27	<i>in the second year, for reimbursements to localities for return absentee ballot prepaid postage</i>				
28	<i>costs authorized in Chapter 1 of the 2020 Acts of Assembly, Special Session I.</i>				
29	87. Not set out.				
30	87.10 Not set out.				
31	Total for Department of Elections.....			\$41,869,040	\$26,699,991
32					\$26,728,842
33	General Fund Positions.....	58.00	58.00		
34			59.00		
35	Position Level.....	58.00	58.00		
36			59.00		
37	Fund Sources: General.....	\$38,816,790	\$23,647,741		
38			\$23,676,592		
39	Special.....	\$52,250	\$52,250		
40	Trust and Agency.....	\$3,000,000	\$3,000,000		
41	§ 1-10. VIRGINIA INFORMATION TECHNOLOGIES AGENCY (136)				
42	88. Omitted.				
43	89. Omitted.				
44	90. Not set out.				
45	91. Not set out.				
46	92. Administrative and Support Services (89900).....			\$44,450,830	\$47,038,343

ITEM 92.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	General Management and Direction (89901).....	\$24,753,220	\$24,835,943		
2	Accounting and Budgeting Services (89903).....	\$6,533,117	\$9,678,117		
3	Human Resources Services (89914).....	\$917,784	\$917,784		
4	Planning and Evaluation Services (89916).....	\$3,610,587	\$3,120,377		
5	Procurement and Contracting Services (89918).....	\$5,282,342	\$5,282,342		
6	Web Development and Support Services (89940)....	\$3,353,780	\$3,203,780		
7	Fund Sources: Special.....	\$10,132,640	\$10,132,640		
8	Internal Service.....	\$34,318,190	\$36,905,703		
9	Authority: Title 2.2, Chapter 20.1, Code of Virginia.				
10	A.1. Out of this appropriation, \$34,318,190 the first year and \$36,905,703 the second year				
11	for Administrative and Support Services is sum sufficient and amounts shown are				
12	estimates from an internal service fund which shall be paid solely from charges to other				
13	programs within this agency.				
14	2. In accordance with § 2.2-2013 D, Code of Virginia, the surcharge rate used to fund				
15	expenses for operations and staff of services administered by the Virginia Information				
16	Technologies Agency shall be no more than 12.76 percent the first year and 13.55 percent				
	the second year.				
17	3. Included in the amounts for Administrative and Support Services are funds from the				
18	Acquisition Services Special Fund which is paid solely from receipts from vendor				
19	information technology contracts. These funds will be used to finance procurement and				
20	contracting activities and costs unallowable for federal fund reimbursement.				
21	B. The provisions of Title 2.2, Chapter 20.1 of the Code of Virginia shall not apply to the				
22	Virginia Port Authority.				
23	C. The requirement that the Department of Behavioral Health and Developmental Services				
24	purchase information technology equipment or services from the Virginia Information				
25	Technologies Agency according to the provisions of Chapters 981 and 1021 of the Acts of				
26	Assembly of 2003 shall not adversely impact the provision of services to mentally				
27	disabled clients.				
28	D. The Chief Information Officer and the Secretary of Administration shall provide the				
29	Governor and the Chairmen of the House Appropriations and Senate Finance Committees				
30	with a report detailing any amendments or modifications to the information technology				
31	infrastructure services contracts. The report shall include statements describing the fiscal				
32	impact of such amendments or modifications and shall be submitted within 30 days				
33	following the signing of any amended agreement.				
34	E.1. Notwithstanding the provisions of §§ 2.2-1509, 2.2-2007 and 2.2-2017, Code of				
35	Virginia, the scope of formal reporting on major information technology projects in the				
36	Recommended Technology Investment Projects (RTIP) report is reduced. The efforts				
37	involved in researching, analyzing, reviewing, and preparing the report will be streamlined				
38	and project ranking will be discontinued. Project analysis will be targeted as determined				
39	by the Chief Information Officer (CIO) and the Secretary of Administration. Information				
40	on major information technology investments will continue to be provided General				
41	Assembly members and staff. Specifically, the following tasks will not be required,				
42	though the task may be performed in a more streamlined fashion: (i) The annual report to				
43	the Governor, the Secretary, and the Joint Commission on Technology and Science; (ii)				
44	The annual report from the CIO for submission to the Secretary, the Information				
45	Technology Advisory Council, and the Joint Commission on Technology and Science on a				
46	prioritized list of Recommended Technology Investment Projects (RTIP Report); (iii) The				
47	development by the CIO and regular update of a methodology for prioritizing projects				
48	based upon the allocation of points to defined criteria and the inclusion of this information				
49	in the RTIP Report; (iv) The indication by the CIO of the number of points and how they				
50	were awarded for each project recommended for funding in the RTIP Report; (vi) The				
51	reporting, for each project listed in the RTIP, of all projected costs of ongoing operations				
52	and maintenance activities of the project for the next three biennia following project				
53	implementation, a justification and description for each project baseline change, and				
54	whether the project fails to incorporate existing standards for the maintenance, exchange,				

ITEM 92.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	and security of data; and (vii) The reporting of trends in current projected information				
2	technology spending by state agencies and secretariats, including spending on projects,				
3	operations and maintenance, and payments to Virginia Information Technologies Agency.				
4	2. Notwithstanding any other provision of law and effective July 1, 2015, the Virginia				
5	Information Technologies Agency (VITA) shall maintain and update quarterly a list of major				
6	information technology projects that are active or are expected to become active in the next				
7	fiscal year and have been approved and recommended for funding by the Secretary of				
8	Administration. Such list shall serve as the official repository for all ongoing information				
9	technology projects in the Commonwealth and shall include all information required by § 2.2-				
10	1509.3 (B)(1)-(8), Code of Virginia. VITA shall make such list publically available on its				
11	website, updated on a quarterly basis, and shall submit electronically such quarterly update to				
12	the Chairmen of the House Appropriations and Senate Finance Committees and the Director,				
13	Department of Planning and Budget, in a format mutually agreeable to them. To ensure such				
14	list can be maintained and updated quarterly, state agencies with major information				
15	technology projects that are active or are expected to become active in the next fiscal year				
16	shall provide in a timely manner all data and other information requested by VITA.				
17	<i>F. The Virginia Information Technologies Agency (the agency) shall take the necessary steps</i>				
18	<i>to obtain and use the cybersecurity grant funding that is available to Virginia under the State</i>				
19	<i>and Local Cybersecurity Improvement Act subtitle of the Infrastructure Investment and Jobs</i>				
20	<i>Act of 2021, P.L. 117-58. In accordance with the federal grant requirements, the agency shall</i>				
21	<i>establish, and identify candidates for appointment by the Governor to a planning committee</i>				
22	<i>that includes members from: (i) state government; counties, cities, and towns; and institutions</i>				
23	<i>of public education and health within Virginia; and (ii) suburban, rural, and high-population</i>				
24	<i>jurisdictions. No less than half of the members shall have substantial professional experience</i>				
25	<i>in cybersecurity or information technology. The Chief Information Officer of the</i>				
26	<i>Commonwealth, or the Chief Information Security Officer as designee, shall be the chair of</i>				
27	<i>the planning committee. Staffing for the planning committee shall be provided by the agency.</i>				
28	<i>In addition, the agency shall: (i) develop a cybersecurity plan, present such plan to the</i>				
29	<i>planning committee for approval, and submit such plan to the appropriate federal officials in</i>				
30	<i>compliance with the federal program requirements; (ii) propose priorities for grant funding</i>				
31	<i>for the planning committee's consideration and approval, and in establishing priorities, the</i>				
32	<i>committee shall consider the needs of local school divisions; (iii) approve, manage, and</i>				
33	<i>allocate grant funding once received, ensuring that the grants fit within the priorities</i>				
34	<i>approved by the planning committee; and (iv) report on program's activities to the House</i>				
35	<i>Appropriations Committee and the Senate Finance and Appropriations Committee by October</i>				
36	<i>1 of each year of the program. To the extent permitted by federal grant guidelines, the agency</i>				
37	<i>may retain a portion of the federal grant funding to reimburse actual costs incurred in</i>				
38	<i>providing support and administration of the provisions of this paragraph.</i>				
39	93. Not set out.				
40	Total for Virginia Information Technologies Agency.			\$346,896,915	\$395,977,088
41	General Fund Positions.....	2.00	2.00		
42	Nongeneral Fund Positions.....	237.40	240.40		
43	Position Level.....	239.40	242.40		
44	Fund Sources: General.....	\$282,252	\$282,252		
45	Special.....	\$10,428,054	\$10,428,054		
46	Internal Service.....	\$336,186,609	\$385,266,782		
47	TOTAL FOR OFFICE OF ADMINISTRATION.....			\$3,698,765,764	\$3,850,944,213
48					\$3,851,059,031
49	General Fund Positions.....	386.40	389.40		
50			390.40		
51	Nongeneral Fund Positions.....	745.00	752.00		
52	Position Level.....	1,131.40	1,141.40		
53			1,142.40		
54	Fund Sources: General.....	\$792,327,108	\$789,046,713		
55			\$789,161,531		

ITEM 93.		Item Details(\$)		Appropriations(\$)	
		First Year	Second Year	First Year	Second Year
		FY2021	FY2022	FY2021	FY2022
1	Special.....	\$21,406,431	\$21,344,231		
2	Enterprise.....	\$632,208,993	\$631,000,379		
3	Internal Service.....	\$2,098,667,578	\$2,255,397,236		
4	Trust and Agency.....	\$138,257,964	\$138,257,964		
5	Dedicated Special Revenue.....	\$8,602,858	\$8,602,858		
6	Federal Trust.....	\$7,294,832	\$7,294,832		

ITEM 94.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	OFFICE OF AGRICULTURE AND FORESTRY			
2	94.	Not set out.		
3	§ 1-11. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (301)			
4	95.	Not set out.		
5	96.	Not set out.		
6	97.	Agricultural Industry Marketing, Development,		
7		Promotion, and Improvement (53200).....	\$25,870,243	\$22,642,069
8				\$23,112,460
9		Grading and Certification of Virginia Products		
10		(53201).....	\$7,667,186	\$7,667,186
11		Milk Marketing Regulation (53204).....	\$867,098	\$867,098
12		Marketing Research (53205).....	\$301,714	\$301,714
13		Market Virginia Agricultural and Forestry Products		
14		Nationally and Internationally (53206).....	\$4,920,038	\$4,961,701
15		Agricultural Commodity Boards (53208).....	\$7,716,368	\$6,946,531
16				\$7,416,922
17		Agribusiness Development Services and Farmland		
18		Preservation (53209).....	\$4,397,839	\$1,897,839
19		Fund Sources: General.....	\$12,322,168	\$9,093,994
20				\$9,564,385
21		Special.....	\$158,125	\$158,125
22		Trust and Agency.....	\$7,120,404	\$7,120,404
23		Dedicated Special Revenue.....	\$5,548,648	\$5,548,648
24		Federal Trust.....	\$720,898	\$720,898
25	Authority: Title 3.2, Chapters 1, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27,			
26	30, 32, 34, 35; Title 28.2, Chapter 2; and Title 61.1, Chapter 4, Code of Virginia.			
27	A. Agricultural Commodity Boards shall be paid from the special fund taxes levied in the			
28	following estimated amounts:			
29	1. To the Tobacco Board, \$143,000 the first year and \$143,000 the second year.			
30	2. To the Corn Board, \$390,000 the first year and \$390,000 the second year.			
31	3. To the Egg Board, \$210,000 the first year and \$210,000 the second year.			
32	4. To the Soybean Board, \$1,164,000 the first year and \$1,164,000 the second year.			
33	5. To the Peanut Board, \$320,000 the first year and \$320,000 the second year.			
34	6. To the Cattle Industry Board, \$800,000 the first year and \$800,000 the second year.			
35	7. To the Virginia Small Grains Board, \$400,000 the first year and \$400,000 the second year.			
36	8. To the Virginia Horse Industry Board, \$320,000 the first year and \$320,000 the second			
37	year.			
38	9. To the Virginia Sheep Industry Board, \$35,000 the first year and \$35,000 the second year.			
39	10. To the Virginia Potato Board, \$25,000 the first year and \$25,000 the second year.			
40	11. To the Virginia Cotton Board, \$180,000 the first year and \$180,000 the second year.			
41	12. To the State Apple Board, \$150,000 the first year and \$150,000 the second year.			
42	B. Each commodity board is authorized to expend funds in accordance with its authority as			
43	stated in the Code of Virginia. Such expenditures will be limited to available revenue levels.			

ITEM 97.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	C. Each commodity board specified in this Item shall provide an annual notification to its				
2	excise tax paying producers which summarizes the purpose of the board and the excise				
3	tax, current tax rate, amount of excise taxes collected in the previous tax year, the previous				
4	fiscal year expenditures and the board's past year activities. The manner of notification				
5	shall be determined by each board.				
6	D. Out of the amounts in this Item shall be paid from certain special fund license taxes,				
7	license fees, and permit fees levied or imposed under Title 28.2, Chapters 2, 3, 4, 5, 6 and				
8	7, Code of Virginia, to the Virginia Marine Products Board, \$402,543 and two positions				
9	the first year and \$402,543 and two positions the second year.				
10	E. Out of the amounts in this Item, \$2,782,245 the first year and \$2,012,408 \$2,482,799				
11	the second year from the general fund shall be deposited to the Virginia Wine Promotion				
12	Fund as established in § 3.2-3005, Code of Virginia.				
13	F. Out of the amounts in this Item, \$250,000 the first year and \$1,000,000 the second year				
14	from the general fund shall be deposited to the Virginia Farmland Preservation Fund				
15	established in § 3.2-201, Code of Virginia. This appropriation shall be deemed sufficient				
16	to meet the provisions of § 2.2-1509.4, Code of Virginia.				
17	G. Out of the amounts in this Item, the Commissioner is authorized to expend from the				
18	general fund amounts not to exceed \$25,000 the first year and \$25,000 the second year for				
19	entertainment expenses commonly borne by businesses. Further, such expenses shall be				
20	recorded separately by the agency.				
21	H. Out of the amounts in this Item, the Commissioner is authorized to expend \$1,120,226				
22	the first year and \$1,120,226 the second year from the general fund for the promotion of				
23	Virginia's agricultural products overseas. Such efforts shall be conducted in concert with				
24	the international offices opened by the Virginia Economic Development Partnership.				
25	I. Out of the amounts in this Item, \$25,000 the first year and \$25,000 the second year from				
26	the general fund shall be provided to support 4-H and Future Farmers of America youth				
27	participation educational costs at the State Fair of Virginia. These funds shall not be used				
28	for administrative costs by the State Fair.				
29	J. Out of the amounts in this item, \$250,000 the first year from the general fund shall be				
30	provided in support of critical infrastructure upgrades at the Holiday Lake 4-H Center.				
31	K. Out of the amounts in this item, \$3,125,000 the first year and \$125,000 the second year				
32	from the general fund is provided for the Department to operate the Virginia Food Access				
33	Investment Program consistent with the provisions of House Bill 1509 and Senate Bill				
34	1073 of the 2020 Session of the General Assembly.				
35	98. Not set out.				
36	99. Not set out.				
37	100. Not set out.				
38	101. Not set out.				
39	102. Not set out.				
40	103. Not set out.				
41	104. Not set out.				
42	105. Not set out.				
43	106. Not set out.				

ITEM 106.10.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	106.10	Not set out.				
2		Total for Department of Agriculture and Consumer				
3		Services.....			\$82,112,579	\$81,028,948
4						\$81,499,339
5		General Fund Positions.....	344.00	349.99		
6		Nongeneral Fund Positions.....	214.00	219.01		
7		Position Level.....	558.00	569.00		
8		Fund Sources: General.....	\$43,871,662	\$42,788,031		
9				\$43,258,422		
10		Special.....	\$7,347,613	\$7,347,613		
11		Trust and Agency.....	\$7,288,394	\$7,288,394		
12		Dedicated Special Revenue.....	\$10,464,327	\$10,464,327		
13		Federal Trust.....	\$13,140,583	\$13,140,583		
14	107.	Not set out.				
15	107.10	Not set out.				
16	108.	Not set out.				
17	109.	Not set out.				
18	110.	Not set out.				
19		TOTAL FOR OFFICE OF AGRICULTURE AND				
20		FORESTRY			\$122,155,197	\$122,362,223
21						\$122,832,614
22		General Fund Positions.....	512.59	518.58		
23		Nongeneral Fund Positions.....	337.41	342.42		
24		Position Level.....	850.00	861.00		
25		Fund Sources: General.....	\$64,801,208	\$65,008,234		
26				\$65,478,625		
27		Special.....	\$21,483,784	\$21,483,784		
28		Trust and Agency.....	\$7,394,932	\$7,394,932		
29		Dedicated Special Revenue.....	\$11,044,537	\$11,044,537		
30		Federal Trust.....	\$17,430,736	\$17,430,736		

ITEM 111.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	OFFICE OF COMMERCE AND TRADE			
2	§ 1-12. SECRETARY OF COMMERCE AND TRADE (192)			
3	111. Not set out.			
4	§ 1-13. SECRETARY OF LABOR (195)			
5	111.10 Administrative and Support Services (79900).....		\$0	\$599,192
6	General Management and Direction (79901).....	\$0	\$599,192	
7	Fund Sources: General.....	\$0	\$599,192	
8	A.1. Pursuant to the provisions of House Bill 2321 of the 2021 General Assembly, there is			
9	hereby created a new Secretary of Labor effective July 1, 2021. Included in this item is			
10	funding for the salary of the Secretary of Labor and authorization for four positions. The			
11	Secretary shall be responsible to the Governor for the following agencies: Department of			
12	Labor and Industry, Virginia Employment Commission, and Department of Professional			
13	and Occupational Regulation. Effective July 1, 2021, the appropriations and positions of			
14	the agencies listed in this section shall be transferred from the Secretary of Commerce and			
15	Trade to the Secretary of Labor. The Governor, by executive order, may assign any state			
16	executive agency to the Secretary of Labor or reassign any agency to another Secretary. In			
17	addition, the Governor is hereby authorized to transfer positions and associated funding			
18	from agencies within the new Secretariat to the office of said Secretary up to a maximum			
19	of four positions.			
20	2. Pursuant to the provisions of House Bill 2321 of the 2021 General Assembly any			
21	budgetary item acted on by the 2021 General Assembly pertaining to the Chief Workforce			
22	Development Advisor shall be transferred to this new Secretariat, accordingly. This			
23	includes provisions contained under Items 52 and 111 of this act.			
24	3. The Director, Department of Planning and Budget, shall include implementation of the			
25	actions set forth in this item in the Budget Bill submitted to the 2022 Session of the			
26	General Assembly.			
27	B.1. The Chief Workforce Development Advisor to the Governor/Secretary of Labor in			
28	coordination with the Secretary of Administration, Secretary of Finance, and Secretary of			
29	Commerce and Trade shall convene a workgroup to review the Commonwealth's state			
30	public works payment process to contractor employees. The workgroup shall identify and			
31	make process improvement recommendations to correct any identified issues with the			
32	intent to put forward a comprehensive legislative and budgetary package for consideration			
33	in the 2022 General Assembly Session.			
34	2. The workgroup shall consist of the Commonwealth's Chief Workforce Advisor to the			
35	Governor/Secretary of Labor, Secretary of Finance, Secretary of Administration, and			
36	Secretary of Commerce and Trade, or their designees, staff from the House			
37	Appropriations and Senate Finance and Appropriations Committees, representatives from			
38	Virginia public colleges and universities and state agencies, two representatives from			
39	labor organizations that can bring forth to the workgroup documented situations where			
40	such misclassification has occurred on Commonwealth public work projects, two			
41	representatives from the general contractor business community with experience in			
42	providing construction services to the Commonwealth, and representatives from agencies			
43	deemed relevant by the their corresponding cabinet official, which may include the			
44	Department of General Services, Department of Small Business and Supplier Diversity,			
45	Department of Labor and Industry, Department of Professional and Occupational			
46	Regulation, Virginia Employment Commission, Virginia Worker's Compensation			
47	Commission, and Department of Taxation. It is the intent of the General Assembly that the			
48	representatives on this workgroup shall be representative of all perspectives to protect			
49	workers engaged on state contracts and to balance financial and workload impacts for state			
50	agencies.			

ITEM 111.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	3. The Chief Workforce Advisor/Secretary of Labor shall submit a final report to the Chairs				
2	of the House Appropriations and General Laws Committees, and Senate Finance and				
3	Appropriations and General Laws and Technology Committees on or before October 1, 2021.				
4	4. In making recommendations for its October 2021 report, the workgroup shall consider the				
5	findings, recommendations, and insights from the initiatives established in Item 82 of this act,				
6	and paragraphs C. and D. of this item. Among other things the workgroup shall, examine the				
7	procurement, wage theft, worker misclassification, and prevailing wage laws in offering				
8	potential recommendations for legislation and budgetary actions in the 2022 General				
9	Assembly Session that can address prevention and enforcement of the state's labor laws on				
10	capital construction projects. The workgroup shall provide state fiscal impact estimates by				
11	fiscal year and fund source for any recommendation contained in its final report to ensure the				
12	General Assembly understands the costs of these recommendations prior to the start of the				
13	2022 General Assembly Session. Additionally, the workgroup shall discuss ideas to				
14	incentivize positive business behavior by general contractors, models that require				
15	subcontractors to get authorization prior to outsourcing any work on state contracts, such as				
16	the one deployed by the Virginia Military Institute, and data collection and verification of				
17	employee payrolls for independent contractors working on state contracts.				
18	5. Initial ideas from the workgroup are implemented in paragraphs C. and D. of this item. The				
19	workgroup may make recommendations to continue, stop, or modify these items in its final				
20	report.				
21	C.1. The Secretary of Commerce and Trade, the Secretary of Administration, the Secretary of				
22	Finance, and the Chief Workforce Development Advisor/Secretary of Labor, with the				
23	assistance of their relevant agencies shall work to establish a state government infrastructure				
24	to identify and investigate potential worker misclassification and wage theft issues on the				
25	Commonwealth's capital construction projects. The infrastructure shall include an initial				
26	resolution process for project owners to work with the prime contractor. If the identified				
27	matter cannot be resolved with the initial step, it shall be referred to the Secretary of Finance				
28	and the Chief Workforce Development Advisor/Secretary of Labor to direct the claim to the				
29	agency with the appropriate statutory authority to launch an investigation. The investigating				
30	agency shall notify the Secretary of Finance and the Chief Workforce Development				
31	Advisor/Secretary of Labor of any violation committed by the contractor. This includes issues				
32	of wage theft and worker misclassification. The Secretary of Finance or the Chief Workforce				
33	Development Advisor/Secretary of Labor shall notify the appropriate project owner of such				
34	violation of the state's worker misclassification or wage theft laws by a contractor performing				
35	work on a state project. The agency finding such violation occurred shall address the matter				
36	pursuant to the applicable provisions under the law, which may include debarment by the				
37	Department of Taxation under the state's worker misclassification laws. The project owner				
38	shall take appropriate contractual remedies to address the violation in addition to those				
39	pursued by the investigating agency.				
40	2. The Secretary of Commerce and Trade and the Chief Workforce Development				
41	Advisor/Secretary of Labor, will identify, or develop its own, national and state labor laws				
42	training program for the Commonwealth's capital project managers. The Department of				
43	General Services, and institutions of higher education with capital outlay autonomy, shall				
44	include in their construction of administration procedures a requirement that project managers				
45	that oversee capital projects complete the training by July 1, 2023. The Secretary of				
46	Administration and the Chief Workforce Development Advisor/Secretary of Labor shall				
47	ensure any state employee who oversees capital outlay construction projects take an online or				
48	face to face course on national and state labor laws related to construction projects by July 1,				
49	2023. The Secretary of Commerce and Trade shall report to the Governor, Chairs of the				
50	House Appropriations Committee and Senate Finance and Appropriations Committee costs to				
51	implement and support this professional development training on or before September 1,				
52	2021, or include these costs in the report required in paragraph B. of this item.				
53	3. In implementing the provisions of paragraph C. of this item, the Chief Workforce				
54	Development Advisor/Secretary of Labor shall develop legislative recommendations and				
55	implementation procedures that require the Department of Labor and Industry, the Virginia				
56	Employment Commission, the Department of Occupational Regulation, and the Workers				
57	Compensation Commission to debar contractors for workplace-related violations. These				
58	recommendations shall be reviewed and incorporated into the final report of the workgroup				

ITEM 111.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	created in paragraph B.1. of this item.				
2	D.1. The Secretary of Commerce and Trade, Secretary of Administration, the Secretary of				
3	Finance and the Chief Workforce Development Advisor/Secretary of Labor shall convene				
4	an interagency taskforce to meet regularly to share data on any recent substantiated				
5	findings of worker misclassification and wage theft issues in the Commonwealth including				
6	any on state capital projects. For any such findings identified that pertain to public bodies				
7	the taskforce will provide its findings to the State Inspector General for further				
8	investigation. The taskforce shall include representatives from the Department of Labor				
9	and Industry, the Department of Professional and Occupational Regulation, the Virginia				
10	Employment Commission, and the Virginia Worker's Compensation Commission. The				
11	taskforce may consider signing a data sharing agreement or Memorandum of				
12	Understanding to share information on employers who are currently being investigated or				
13	found guilty of unlawful business practices, such as wage theft and worker				
14	misclassification.				
15	2. The taskforce shall recommend measures to improve transparency for construction				
16	contractors on public works projects, which may include requiring all contractors for				
17	public works to submit on a monthly or biweekly basis certified payrolls for employees,				
18	certified payrolls for independent contractors, and the number of employees and				
19	independent contractors present on the worksite. These recommendations shall be				
20	reviewed and incorporated into the final report of the workgroup created in paragraph B.1.				
21	of this item.				
22	3. The taskforce shall advise the public works process workgroup in paragraph B.1. of this				
23	item on topics including the implementation status of Virginia's new labor laws on worker				
24	misclassification and wage theft, and other relevant ideas to preventing and enforcing				
25	wage theft and worker misclassification on state capital construction projects including				
26	those contained in paragraph 2. above.				
27	E.1. The Office of the Chief Workforce Advisor/Secretary of Labor shall convene a				
28	workgroup that includes representatives from the Departments of Education, Social				
29	Services, Professional and Occupational Regulation, Health Professions; the Health				
30	Workforce Development Authority; Office of Diversity, Equity, and Inclusion; the				
31	Virginia Community College System; Commonwealth Catholic Charities, Catholic				
32	Charities; Migration and Refugee Services; International Rescue Committee; Church				
33	World Services; Lutheran Social Services; Ethiopian Development Council; NoVA				
34	Friends of Refugees; ReEstablish Richmond; local one-stop career centers that have				
35	experience serving refugees; an employer; and at least one refugee or special immigrant				
36	visa holder. The workgroup shall identify barriers that recent refugees in Virginia face to				
37	entering the workforce; assess participation in adult education and workforce training				
38	programs; compare, to the extent practicable, the current employment of recent refugees to				
39	that of their employment, including any occupational and professional credentials and				
40	academic degrees earned, prior to resettling in the United States; and identify the top				
41	occupations that recent refugees seek to work in Virginia and make recommendations for				
42	addressing any barriers that prevent them from using their work experience gained outside				
43	of the United States to obtaining employment in these occupations in Virginia.				
44	2. The Chief Workforce Advisor/Secretary of Labor shall submit a report containing the				
45	recommendations of the workgroup on or before November 1, 2021 to the Chairs of the				
46	House Committee on Labor and Commerce and the Senate Committee on Commerce and				
47	Labor.				
48	<i>F.1. The Secretary of Labor shall prioritize improvements and modernization of the</i>				
49	<i>Virginia Employment Commission (VEC) as outlined in the November 2021 JLARC</i>				
50	<i>Report, "Operations and Performance of the Virginia Employment Commission,"</i>				
51	<i>including an analysis of the report's 40 recommendations and 10 policy options. Emphasis</i>				
52	<i>shall be placed on improving customer service and interactions with the public in the</i>				
53	<i>immediate time frame while still dealing with pandemic-related issues and long-range</i>				
54	<i>plans to improve the transparency of processes and services. Additional focus shall be</i>				
55	<i>placed on (i) overall funding and management of the Unemployment Insurance (UI) trust</i>				
56	<i>fund; (ii) reviewing benefit levels for income replacement; (iii) ensuring appropriate</i>				
57	<i>staffing levels and well-trained personnel; and (iv) addressing technology needs. The</i>				

ITEM 111.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	current backlog of 2020 and 2021 claims shall be expedited for resolution immediately,				
2	including but not limited to resolving any outstanding claims; accounting for overpayments or				
3	inappropriate payments; and improving processes to prevent fraud and better identify valid				
4	claims.				
5	2. The Secretary of Labor shall competitively procure a national firm with expertise in				
6	evaluating the efficiency of an organization's staffing structure, delegation of staff duties, and				
7	work processes to conduct a comprehensive efficiency review of the UI operations of the				
8	Virginia Employment Commission to (i) identify specific actions that could be taken to				
9	improve the efficiency of VEC's UI operations, including through more efficient and effective				
10	use of staff and technology; (ii) recommend improvements to the agency's staffing and				
11	workflows to most effectively use existing federal funding for UI operations; and (iii)				
12	determine whether current funding is adequate to ensure effective UI operations. The				
13	Secretary shall issue an interim report of its findings and recommendations to the General				
14	Assembly no later than December 1, 2022, and a final report no later than September 1, 2023.				
15	Total for Secretary of Labor.....			\$0	\$599,192
16	General Fund Positions.....	0.00	4.00		
17	Position Level.....	0.00	4.00		
18	Fund Sources: General.....	\$0	\$599,192		
19	§ 1-14. SECRETARY OF COMMERCE AND TRADE (192)				
20	Economic Development Incentive Payments (312)				
21	112. Economic Development Services (53400).....			\$70,491,733	\$75,915,483
22					\$98,085,483
23	Financial Assistance for Economic Development				
24	(53410).....	\$70,491,733	\$75,915,483		
25			\$98,085,483		
26	Fund Sources: General.....	\$70,341,733	\$75,765,483		
27			\$97,935,483		
28	Dedicated Special Revenue.....	\$150,000	\$150,000		
29	Authority: Discretionary Inclusion.				
30	A.1. Out of the appropriation for this Item, \$19,750,000 the first year and \$19,750,000 the				
31	second year from the general fund shall be deposited to the Commonwealth's Development				
32	Opportunity Fund, as established in § 2.2-115, Code of Virginia. Such funds shall be used at				
33	the discretion of the Governor, subject to prior consultation with the Chairmen of the House				
34	Appropriations and Senate Finance Committees, to attract economic development prospects to				
35	locate or expand in Virginia. If the Governor, pursuant to the provisions of § 2.2-115, E.1.,				
36	Code of Virginia, determines that a project is of regional or statewide interest and elects to				
37	waive the requirement for a local matching contribution, such action shall be included in the				
38	report on expenditures from the Commonwealth's Development Opportunity Fund required by				
39	§ 2.2-115, F., Code of Virginia. Such report shall include an explanation on the jobs				
40	anticipated to be created, the capital investment made for the project, and why the waiver was				
41	provided.				
42	2. The Governor may allocate these funds as grants or loans to political subdivisions. Loans				
43	shall be approved by the Governor and made in accordance with procedures established by				
44	the Virginia Economic Development Partnership and approved by the State Comptroller.				
45	Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid				
46	to the general fund of the state treasury. The Governor may establish the interest rate to be				
47	charged, otherwise, any interest charged shall be at market rates as determined by the State				
48	Treasurer and shall be indicative of the duration of the loan. The Virginia Economic				
49	Development Partnership shall be responsible for monitoring repayment of such loans and				
50	reporting the receivables to the State Comptroller as required.				
51	3. Funds may be used for public and private utility extension or capacity development on and				

ITEM 112.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	off site; road, rail, or other transportation access costs beyond the funding capability of				
2	existing programs; site acquisition; grading, drainage, paving, and other activity required				
3	to prepare a site for construction; construction or build-out of publicly-owned buildings;				
4	grants or loans to an industrial development authority, housing and redevelopment				
5	authority, or other political subdivision pursuant to their duties or powers; training; or				
6	anything else permitted by law.				
7	4. Consideration should be given to economic development projects that 1) are in areas of				
8	high unemployment; 2) link commercial development along existing transportation/transit				
9	corridors within regions; and 3) are located near existing public infrastructure.				
10	5. It is the intent of the General Assembly that the Virginia Economic Development				
11	Partnership shall work with localities awarded grants from the Commonwealth's				
12	Development Opportunity Fund to recover such moneys when the economic development				
13	projects fail to meet minimal agreed-upon capital investment and job creation targets. All				
14	such recoveries shall be deposited and credited to the Commonwealth's Development				
15	Opportunity Fund.				
16	6. Up to \$5,000,000 of previously awarded funds and funds repaid by political				
17	subdivisions or business beneficiaries and deposited to the Commonwealth's Development				
18	Opportunity Fund may be used to assist Prince George County with site improvements				
19	related to the location of a major aerospace engine manufacturer to the Commonwealth.				
20	B.1. Out of the appropriation for this Item, \$4,946,900 the first year and \$4,381,900 the				
21	second year from the general fund shall be deposited to the Investment Performance Grant				
22	subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment				
23	performance grants in accordance with § 2.2-5101, Code of Virginia.				
24	2. Consideration should be given to economic development projects that 1) are in areas of				
25	high unemployment; 2) link commercial development along existing transportation/transit				
26	corridors within regions; and 3) are located near existing public infrastructure.				
27	C. Out of the appropriation for this Item, \$3,000,000 the first year and \$4,000,000 the				
28	second year from the general fund and an amount estimated at \$150,000 the first year and				
29	\$150,000 the second year from nongeneral funds shall be deposited to the Governor's				
30	Motion Picture Opportunity Fund, as established in § 2.2-2320, Code of Virginia. These				
31	nongeneral fund revenues shall be deposited to the fund from revenues generated by the				
32	digital media fee established pursuant to § 58.1-1731, et seq., Code of Virginia. Such				
33	funds shall be used at the discretion of the Governor to attract film industry production				
34	activity to the Commonwealth.				
35	D.1. Out of the appropriation for this Item, \$1,000,000 the first year and \$1,000,000 the				
36	second year from the general fund shall be deposited to the Virginia Economic				
37	Development Incentive Grant subfund of the Virginia Investment Partnership Grant Fund				
38	to be used to pay investment performance grants in accordance with § 2.2-5102.1, Code of				
39	Virginia.				
40	2. Consideration should be given to economic development projects that 1) are in areas of				
41	high unemployment; 2) link commercial development along existing transportation/transit				
42	corridors within regions; and 3) are located near existing public infrastructure.				
43	3. Notwithstanding § 2.2-5102.1.E. or any other provision of law, and subject to				
44	appropriation by the General Assembly, up to \$8,000,000 in economic development				
45	incentive grants is authorized for eligible projects to be awarded on or after July 1, 2017,				
46	but before June 30, 2019. Any eligible project awarded such grants shall be subject to the				
47	conditions set forth in § 2.2-5102.1. Any additional grant awards not authorized by this				
48	act, including any awards after June 30, 2019, shall require separate legislation.				
49	E. Out of the appropriation for this Item, \$4,669,833 the first year and \$4,669,833 the				
50	second year from the general fund shall be available for eligible businesses under the				
51	Virginia Jobs Investment Program. Pursuant to § 2.2-1611, Code of Virginia, the				
52	appropriation provided for the Virginia Jobs Investment Program for eligible businesses				
53	shall be deposited to the Virginia Jobs Investment Program Fund.				
54	F. Out of the appropriation for this Item, \$500,000 the first year and \$500,000 the second				

ITEM 112.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	year from the general fund may be provided to the Virginia Economic Development				
2	Partnership to facilitate additional domestic and international marketing and trade missions				
3	approved by the Governor. The Director, Department of Planning and Budget, is authorized to				
4	provide these funds to the Virginia Economic Development Partnership upon written approval				
5	of the Governor.				
6	G. Out of the appropriation for this Item, \$20,000,000 the first year from the general fund				
7	shall be deposited to the Semiconductor Manufacturing Grant Fund for the award of grants to				
8	a qualified semiconductor manufacturing company in a qualified locality in accordance with §				
9	59.1-284.32 , Code of Virginia, and subject to performance metrics agreed to in a				
10	memorandum of understanding with the Commonwealth.				
11	H. Out of the appropriation in this Item, \$8,000,000 the first year and \$8,000,000 second year				
12	from the general fund shall be deposited to the Advanced Shipbuilding Production Facility				
13	Grant Fund for grants to be paid in accordance with § 59.1-284.29 , Code of Virginia.				
14	I. Out of the appropriation in this Item, \$5,310,000 the first year and \$5,190,000 the second				
15	year from the general fund shall be deposited to the Special Workforce Grant Fund for grants				
16	to be paid in accordance with § 59.1-284.30 , Code of Virginia.				
17	J. Out of the appropriation in this Item, \$2,000,000 the first year and \$2,000,000 the second				
18	year from the general fund shall be deposited to a special, nonreverting fund for the award of				
19	grants to a qualified truck manufacturing company in a qualified locality in accordance with §				
20	59.1-284.33 , Code of Virginia.				
21	K.1.Out of the appropriation in this Item, \$730,000 the first year and \$2,993,750 the second				
22	year from the general fund shall be deposited to a special, nonreverting fund for the award of				
23	grants in accordance with § 59.1-284.36 , Code of Virginia.				
24	2. Of the amounts deposited to the fund, \$2,500,000 the second year may be awarded as				
25	grants to a qualified pharmaceutical company in a qualified locality pursuant to § § 59.1-				
26	284.35 and 59.1-284.36 , Code of Virginia.				
27	3. Of the amounts deposited to the fund, \$730,000 the first year and \$493,750 the second year				
28	may be awarded as grants to a comprehensive community college and a baccalaureate public				
29	institution of higher education in or near the eligible county pursuant to § 59.1-284.37 , Code				
30	of Virginia.				
31	L. Out of the appropriation in this Item, \$500,000 the second year from the general fund shall				
32	be deposited to a special, nonreverting fund for the award of grants to a qualified advanced				
33	production company in a qualified locality in accordance with § 59.1-284.34 , Code of				
34	Virginia.				
35	M.1. Out of the amounts in this item, \$425,000 the first year and \$825,000 the second year				
36	from the general fund shall be deposited to the Governor's New Airline Service Incentive				
37	Fund to assist in the provision of marketing, advertising, or promotional activities by airlines				
38	in connection with the launch of new air passenger service at Virginia airports, and to				
39	incentivize airlines that have committed to commencing new air passenger service in Virginia,				
40	pursuant to the provisions of § 2.2-2320.1 , Code of Virginia.				
41	2. Notwithstanding the provisions of § 2.2-2320.1 , Code of Virginia, 25 percent of the annual				
42	appropriation to the Governor's New Airline Service Incentive Fund shall be set aside for				
43	projects in Virginia commercial airports with less than 400,000 enplanements per calendar				
44	year for the purposes of economic development in these areas. Enplanement data shall come				
45	from the Federal Aviation Administration.				
46	N. Out of the appropriation in this Item, \$5,625,000 the second year from the general fund				
47	shall be deposited to a special, nonreverting fund for the award of grants to a qualified				
48	technology company in a qualified locality in accordance with Senate Bill 1156 of the 2021				
49	General Assembly, Special Session I and subject to performance metrics agreed to in a				
50	memorandum of understanding with the Commonwealth.				
51	O.1. Out of the amounts in this item, \$10,000,000 the second year from the general fund shall				
52	be provided to the City of Petersburg for expenses incurred from the installation of a water				
53	tank and associated infrastructure at a chemical plant complex in the city. The water tank and				

ITEM 112.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	associated infrastructure shall be adequate to ensure the water pressure can support the				
2	minimum fire protection and manufacturing needs of a regional pharmaceutical				
3	manufacturing cluster.				
4	2: Disbursement of these funds shall require an executed memorandum of understanding				
5	with the Virginia Economic Development Partnership and the City of Petersburg by a				
6	pharmaceutical manufacturer that sets forth the requirements for capital investments and				
7	the creation of new full-time jobs. Such requirements shall include at a minimum, new				
8	capital investments of \$105,800,000 and the creation of 88 new full-time jobs in the City				
9	of Petersburg.				
10	3: Disbursement of these funds is contingent upon the City of Petersburg executing a loan				
11	through the Department of Environmental Quality's Virginia Clean Water Revolving Loan				
12	Fund to address sewer improvements at the chemical plant complex. The amount of the				
13	loan shall be sufficient to provide water and sewer improvements necessary to sustain a				
14	regional pharmaceutical manufacturing cluster, including the construction of a pump				
15	station that will substantially increase sewer capacity.				
16	P: Out of the appropriation in this item, \$6,330,000 the second year from the general fund				
17	shall be deposited to a special, nonreverting fund for the award of grants to a qualified				
18	shipping and logistics company in a qualified locality in accordance with House Bill 5001				
19	of the 2021 General Assembly, Special Session I and subject to performance metrics				
20	agreed to in a memorandum of understanding with the Commonwealth.				
21	Q. Notwithstanding any provisions of § 30-310, Code of Virginia, the MEI Commission				
22	shall only be required to review economic development incentive packages in which a				
23	business relocates or expands its operations in one or more Virginia localities and				
24	simultaneously closes its operations or substantially reduces the number of its employees				
25	in another Virginia locality that exceed \$250,000 in aggregate incentive investments.				
26	<i>R.1. Out of the amounts in this Item, \$8,500,000 the second year from the general fund</i>				
27	<i>shall be provided to the County of Wythe for expenses related to the installation of a water</i>				
28	<i>tank in Progress Park, wastewater treatment plant improvements, and wastewater line</i>				
29	<i>extensions in the County. The improvements are meant to enhance infrastructure for</i>				
30	<i>businesses in Progress Park and properties in the surrounding area, including a nitrile</i>				
31	<i>butadiene rubber production plant and a medical-grade glove manufacturing facility</i>				
32	<i>(together, the "New Businesses") in Progress Park.</i>				
33	<i>2. Disbursement of these funds shall be at the discretion of the Virginia Economic</i>				
34	<i>Development Partnership Authority, based upon arrangements with the County of Wythe</i>				
35	<i>and the New Businesses setting forth the terms and conditions of the distribution to the</i>				
36	<i>County of Wythe and any expected repayment, should the New Businesses fall short of</i>				
37	<i>their promises to invest at least \$714.1 million at Progress Park, and to create at least</i>				
38	<i>2,464 new jobs that pay an annual wage of at least \$37,321 related to their operations at</i>				
39	<i>Progress Park.</i>				
40	<i>S.1. Out of this appropriation, \$15,000,000 the second year from the general fund shall be</i>				
41	<i>deposited to the Property Analytics Firm Infrastructure Grant Fund for expenses related</i>				
42	<i>to public infrastructure improvements, including commuter access and parking,</i>				
43	<i>pedestrian access, roadway and traffic improvements, safety enhancements, site</i>				
44	<i>preparation and utilities in the City of Richmond (the City). These improvements will</i>				
45	<i>serve the existing and proposed facilities for a real property analytics firm (the Company)</i>				
46	<i>located in the City, the employees of the firm, and other visitors to the vicinity of the</i>				
47	<i>facilities.</i>				
48	<i>2. Disbursement of these funds shall be based upon an agreement between the City, the</i>				
49	<i>Company and the Virginia Economic Development Partnership Authority setting forth the</i>				
50	<i>terms and conditions of the distribution of funds to the City and any expected repayment</i>				
51	<i>should the Company fall short of its promises to invest at least \$460,500,000 at the</i>				
52	<i>facilities, and to create at least 1,984 new jobs that pay an average annual wage of at</i>				
53	<i>least \$85,000 related to its operations at the facilities.</i>				
54	<i>3. There is hereby created a nonreverting fund to be known as the Property Analytics</i>				
55	<i>Firm Infrastructure Grant Fund. The Fund shall be established on the books of the</i>				

ITEM 112.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	<i>Comptroller. All funds appropriated to the Fund shall be paid into the Fund and credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used to pay grants pursuant to paragraph S.1. of this item. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller pursuant to paragraph S.5. of this item.</i>				
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7	<i>4. The Company shall provide evidence, satisfactory to the Secretary of Commerce and Trade, of (i) the aggregate number of new full-time jobs in place in the calendar year that immediately precedes the expected date on which the grant installment is to be paid and (ii) the aggregate amount of the capital investment made as of the last day of the calendar year that immediately precedes the expected date on which the grant installment is to be paid. The application and evidence shall be filed with the Secretary in person, by mail, or as otherwise agreed upon in the memorandum of understanding by no later than April 1 each year reflecting performance in and through the prior calendar year. Failure to meet the filing deadline shall result in a deferral of a scheduled grant installment payment set forth in the terms and conditions between the City, the Company, and the Virginia Economic Development Partnership Authority. For filings by mail, the postmark cancellation shall govern the date of the filing determination.</i>				
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19	<i>5. Within 60 days of receiving the application and evidence pursuant to S.4. of this item, the Secretary shall certify to the Comptroller, the Virginia Economic Development Partnership Authority, and the City, the amount of grants to which it is entitled for payment. Payment of such grants shall be made by check issued by the State Treasurer on warrant of the Comptroller within six months succeeding the submission of such timely filed application.</i>				
20					
21					
22					
23					
24	<i>6. As a condition of receipt of the grants, the Company shall make available to the Secretary for inspection, upon request, all documents relevant and applicable to determining whether the qualified company has met the requirements for the receipt of grants as set forth in this paragraph and subject to the memorandum of understanding. All such documents appropriately identified by the Company shall be considered confidential and proprietary.</i>				
25					
26					
27					
28					
29	<i>T.1. Out of this appropriation, \$15,000,000 the second year from the general fund shall be provided to the Virginia Commercial Space Flight Authority (Virginia Space) for expenses related to the construction of a 20,000 square foot shell building at the Wallops Island Flight Facility. The funding provided in this paragraph shall be used for clearing and grading the site, making necessary infrastructure improvements, and building construction.</i>				
30					
31					
32					
33					
34	<i>2. Disbursement of these funds shall be at the discretion of the Virginia Economic Development Partnership Authority, based upon an agreement between Virginia Space and a guided missile and space vehicle parts manufacturing company (the Company) setting forth the terms and conditions of the distribution to Virginia Space and any expected repayment, should the Company fall short of their promises to invest at least \$103,000,000 and to create at least 246 new jobs that pay an annual wage of at least \$76,643 in Virginia. Prior to any expenditure of funds contained in this paragraph, the Virginia Economic Development Partnership Authority and Virginia Space shall ensure the Company has received the necessary approvals from the National Aeronautics and Space Administration for a Return to Pad landing.</i>				
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36					
37					
38					
39					
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41					
42					
43					
44	112.10 Not set out.				
45	Total for Economic Development Incentive				
46	Payments.....			\$70,491,733	\$75,915,483
47					\$98,085,483
48	Fund Sources: General.....	\$70,341,733	\$75,765,483		
49			\$97,935,483		
50	Dedicated Special Revenue.....	\$150,000	\$150,000		
51	Grand Total for Secretary of Commerce and Trade.....			\$70,491,733	\$75,915,483
52					\$98,085,483
53	Fund Sources: General.....	\$70,341,733	\$75,765,483		
54			\$97,935,483		
55	Dedicated Special Revenue.....	\$150,000	\$150,000		

ITEM 112.10.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022
1	§ 1-15. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (165)			
2	113. Housing Assistance Services (45800).....		\$168,760,089	\$181,410,089
3	Housing Assistance (45801).....	\$100,070,766	\$114,370,766	
4	Homeless Assistance (45804).....	\$16,477,905	\$16,477,905	
5	Financial Assistance for Housing Services (45805).....	\$52,211,418	\$50,561,418	
6	Fund Sources: General.....	\$89,675,897	\$74,025,897	
7	Special.....	\$349,976	\$349,976	
8	Dedicated Special Revenue.....	\$100,000	\$100,000	
9	Federal Trust.....	\$78,634,216	\$106,934,216	
10	Authority: Title 36, Chapters 8, 9, and 11; and Title 58.1, Chapter 3, Articles 4 and 13,			
11	Code of Virginia.			
12	A. Out of the amounts in this Item, \$3,482,705 from the general fund, \$100,000 from			
13	dedicated special revenue, and \$3,427,000 from federal trust funds the first year and			
14	\$3,482,705 from the general fund, \$100,000 from dedicated special revenue, and			
15	\$3,427,000 from federal trust funds the second year shall be provided to support services			
16	for persons at risk of or experiencing homelessness and housing for populations with			
17	special needs, and \$4,050,000 the first year and \$4,050,000 the second year from the			
18	general fund shall be provided for homeless prevention. Of the general fund amount			
19	provided, the department is authorized to use up to two percent in each year for program			
20	administration. The amounts allocated for services for persons at risk of or experiencing			
21	homelessness may be matched through local or private sources. Any balances for the			
22	purposes specified in this paragraph which are unexpended on June 30, 2021, and June 30,			
23	2022, shall not revert to the general fund but shall be carried forward and reappropriated.			
24	B. The department shall report to the Chairmen of the Senate Finance, the House			
25	Appropriations Committees, and the Director, Department of Planning and Budget, by			
26	November 4 of each year on the state's homeless programs, including, but not limited to,			
27	the number of (i) emergency shelter beds, (ii) transitional housing units, (iii) single room			
28	occupancy dwellings, (iv) homeless intervention programs, (v) homeless prevention			
29	programs, and (vi) the number of homeless individuals supported by the permanent			
30	housing state funding on a locality and statewide basis and the accomplishments achieved			
31	by the additional state funding provided to the program in the first year. The report shall			
32	also include the number of Virginians served by these programs, the costs of the			
33	programs, and the financial and in-kind support provided by localities and nonprofit			
34	groups in these programs. In preparing the report, the department shall consult with			
35	localities and community-based groups.			
36	C. Out of the amounts in this Item, \$1,100,000 the first year and \$1,100,000 the second			
37	year from the general fund shall be provided for rapid re-housing efforts. In keeping with			
38	the specific goals of the Balance of State Continuum of Care, \$200,000 of this amount in			
39	each year shall be focused on ensuring that no veteran is homeless or in a shelter for more			
40	than 30 days. These funds shall be used to supplement other state and federal programs,			
41	shall be directed to areas throughout the state where federal funds are not available, and			
42	shall be used to serve those veterans ineligible for federal benefits.			
43	D. The department shall continue to collaborate with the Department of Veteran Services			
44	to ensure coordinated efforts towards reducing homelessness among veterans.			
45	E.1. Out of the amounts in this Item, \$70,700,000 the first year and \$55,000,000 the			
46	second year from the general fund shall be deposited to the Virginia Housing Trust Fund,			
47	established pursuant to § 36-142 et seq., Code of Virginia. Notwithstanding § 36-142,			
48	Code of Virginia, when awarding grants through eligible organizations for targeted efforts			
49	to reduce homelessness, priority consideration shall be given to efforts to reduce the			
50	number of homeless youth and families and to expand permanent supportive housing.			
51	Notwithstanding § 36-142, Code of Virginia, the department may use funds appropriated			
52	in paragraph E.1. of this Item to address housing issues resulting from the COVID-19			
53	pandemic, with the exception of monies provided for the continuation of the Virginia Rent			
54	and Mortgage Relief Program in paragraph E.2.			

ITEM 113.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	2. Out of the amounts appropriated in paragraph E.1., \$28,200,000 in the first year from the				
2	general fund is hereby designated to continue the Virginia Rent and Mortgage Relief Program				
3	when monies allocated from the Coronavirus Relief Funds awarded to the Commonwealth				
4	through the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136)				
5	expire. In addition to the amounts designated in this paragraph, it is the intent of the General				
6	Assembly that the Department use additional funds, if necessary, from the amounts				
7	appropriated in paragraph E.1. to sustain the Virginia Rent and Mortgage Relief Program,				
8	during the declared state of emergency pursuant to § 44-146.17, Code of Virginia, in response				
9	to a communicable disease of public health threat as defined in § 44-146.16, Code of Virginia.				
10	3. As part of the plan required by § 36-142 E., Code of Virginia, the department shall also				
11	report on the impact of the loans and grants awarded through the fund, including but not				
12	limited to: (i) the number of affordable rental housing units repaired or newly constructed, (ii)				
13	the number of individuals receiving down payments and/or closing assistance, (iii) the				
14	progress and accomplishments in reducing homelessness achieved by the additional support				
15	provided through the fund, and (iv) the progress in expanding permanent supportive housing				
16	options.				
17	4.a. In administering the funds appropriated in paragraphs B.1. and B.2. of Item 479.10 for the				
18	Virginia Rent and Mortgage Relief Program, the Department shall allow for financial				
19	assistance to cover one-hundred percent of current and past due rent included in the				
20	application for rental assistance. The financial assistance supported with funds in paragraphs				
21	B.1. and B.2. of Item 479.10 for the Virginia Rent and Mortgage Relief Program shall cover				
22	the period between April 1, 2020 and expiration of the Coronavirus Relief Funds awarded to				
23	the Commonwealth through the Coronavirus Aid, Relief, and Economic Security (CARES)				
24	Act (P.L. 116-136).				
25	b. In administering the funds appropriated in paragraph E.2. of this item for the Virginia Rent				
26	and Mortgage Relief Program, the Department shall allow for financial assistance to cover				
27	one-hundred percent of current and past due rent included in the application for rental				
28	assistance. At such time the general funds provided in paragraph E.2. of this item are				
29	deployed, the Department may allow for financial assistance to be used to cover past due rent				
30	accumulated prior to April 1, 2020.				
31	c. Landlords and tenants shall be able to access the funds appropriated in paragraph E.2. of				
32	this item and paragraphs B.1. and B.2. of Item 479.10 for the Virginia Rent and Mortgage				
33	Relief Program.				
34	F. Out of the amounts in this Item, \$15,800,000 the first year and \$15,800,000 the second year				
35	from federal trust funds shall be provided to support Virginia affordable housing programs				
36	and the Indoor Plumbing Program.				
37	G. Out of the amounts in this Item, \$50,000 the first year and \$50,000 the second year from				
38	the general fund and one position shall be provided to support the administrative costs				
39	associated with administering the tax credits authorized pursuant to § 58.1-435, Code of				
40	Virginia.				
41	H. The department shall develop and implement strategies, that may include potential				
42	Medicaid financing, for housing individuals with serious mental illness. The department shall				
43	include other agencies in the development of such strategies including the Virginia Housing				
44	Development Authority, Department of Behavioral Health and Developmental Services,				
45	Department of Aging and Rehabilitative Services, Department of Medical Assistance				
46	Services, and Department of Social Services. The department shall also include stakeholders				
47	whose constituents have an interest in expanding supportive housing for people with serious				
48	mental illness, including the National Alliance on Mental Illness Virginia, the Virginia				
49	Housing Alliance and the Virginia Sheriff's Association. An annual report on such strategies				
50	and the progress on implementation shall be provided to the Chairmen of the House				
51	Appropriations and Senate Finance Committees by the first day of each General Assembly				
52	Regular Session.				
53	I. The Department of Housing and Community Development shall work with the Virginia				
54	Housing Commission to identify the impact of legislation that passed the 2019 session of the				
55	General Assembly that is designed to mitigate eviction rates and recommend if any further				
56	action is necessary to complement these efforts. The Department shall consider current				

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1	federal, state and local resources, including but not limited to the following: (a) current				
2	counseling and social services provided by state agencies and authorities; (b) the potential				
3	needs of the cities of Richmond, Newport News, Hampton, Norfolk, and Chesapeake, as				
4	well as eviction prevention and diversion programs established in the cities of Arlington				
5	and Richmond; (c) data collected pursuant to Chapter 356, 2019 Acts of Assembly; and,				
6	(d) eviction prevention and diversion programs in other states. The Department shall				
7	analyze and recommend how to better coordinate current public and private resources and				
8	programs to reduce eviction rates in Virginia, as well as how current prevention efforts				
9	can coordinate with existing and newly created eviction diversion laws and programs.				
10	J.1. Out of the amounts appropriated in this item, \$3,300,000 the first year and \$3,300,000				
11	the second year from the general fund shall be used to establish a competitive Eviction				
12	Prevention and Diversion Pilot Program that will support local or regional eviction				
13	prevention and diversion programs that utilize a systems approach with linkages to local				
14	departments of social services and legal aid resources. This program shall prioritize grant				
15	applications that provide a local match at an amount deemed appropriate by the				
16	Department.				
17	2. The resources provided in J.1. may be used to facilitate the development of a statement				
18	of tenant rights and responsibilities and implement the provisions of § 36-139 and § 55.1-				
19	1204, Code of Virginia.				
20	K. Out of the amounts in this item, \$50,000 in the second year from the general fund is				
21	provided pursuant to the passage of House Bill 2053 in the 2021 General Assembly, which				
22	directs the Department to lead a workgroup to provide recommendations on increasing				
23	local development of accessory dwelling units on single-family dwelling lots.				
24	<i>L.1. Notwithstanding the provisions of § 10.1-1330, Code of Virginia, the department shall</i>				
25	<i>utilize up to \$11,400,000 of unobligated balances in the Low-Income Energy Efficiency</i>				
26	<i>Program Fund (02017) for the purposes of providing relief to residents of Virginia that</i>				
27	<i>lost or sustained property damage as a result of a flood disaster, mudslide, or landslide</i>				
28	<i>occurring on or after August 1, 2021, but before September 31, 2021, and subject to a</i>				
29	<i>Major Disaster Declaration (FEMA-4628-DR) issued by President Biden on October 26,</i>				
30	<i>2021.</i>				
31	<i>2. The department shall establish a program to provide flood relief to eligible applicants,</i>				
32	<i>which shall include individual property owners and business owners affected by a flood</i>				
33	<i>disaster, mudslide, or landslide. The department shall establish procedures for filing and</i>				
34	<i>resolving claims, which shall include measures to prevent fraud, and which may include</i>				
35	<i>any criteria the department determines reasonable to carry out the provisions of this</i>				
36	<i>paragraph. The amount of relief provided to an eligible applicant shall be equal to 175</i>				
37	<i>percent of the property value for the realty that sustained major damage or represents a</i>				
38	<i>total loss, as defined by 7. and 8. below. The department shall award funds for estimated</i>				
39	<i>repairs up to the maximums contained in this paragraph for a realty that does not meet</i>				
40	<i>the definition of total loss or major damage, as defined by 7. and 8. below. Any payment</i>				
41	<i>made to an eligible applicant from this paragraph shall not exceed \$500,000 for a</i>				
42	<i>residential realty and \$1,000,000 for a commercial realty. If an eligible applicant owns</i>				
43	<i>multiple, noncontiguous properties in an area affected by the disaster in paragraph L.1. of</i>				
44	<i>this item, the eligible applicant may file separate claims for each parcel, and the</i>				
45	<i>maximums described in this paragraph shall apply to each separate claim. The</i>				
46	<i>department shall reduce payments by any federal or state relief or insurance payments</i>				
47	<i>received by the eligible applicant for property repairs or damage related to the disaster</i>				
48	<i>described in paragraph L.1. of this item.</i>				
49	<i>3. Payments under paragraph L. of this item shall be subject to the availability of funds. If</i>				
50	<i>claims exceed available funds, the department shall make payments in the order that</i>				
51	<i>claims were received.</i>				
52	<i>4. The department shall not provide relief under this section for realty that was abandoned</i>				
53	<i>or uninhabited at the time of the disaster described in paragraph L.1. of this item.</i>				
54	<i>5. No recourse may be had by any person, organization, or entity against a recipient of</i>				
55	<i>payment under this paragraph, absent any evidence of misuse of funds. Misuse of funds</i>				
56	<i>shall be established by a showing that a recipient knowingly misapplied the proceeds of a</i>				

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1	payment received under this paragraph. If a showing of misuse of funds has been made, then				
2	a person may seek recourse against the recipient for an amount no greater than the extent of				
3	the payment.				
4	6. Relief awarded pursuant to this paragraph is excluded from gross income and is not				
5	subject to taxation.				
6	7. "Total loss" means real property that has been destroyed, such that there is a total loss of				
7	the structure, the structure is not economically feasible to repair, or there is a complete				
8	failure to major structural components, such as the collapse of the basement, wall, or roof.				
9	8. "Major damage" means real property that has substantial failure to its structural elements,				
10	such as walls, floor, or foundation, or that has sustained damage that will take more than 30				
11	days to repair.				
12	9. "Eligible applicant" means any individual property owner or business owner that lost or				
13	sustained property damage as a result of a flood disaster, mudslide, or landslide occurring on				
14	or after August 1, 2021, but before September 31, 2021, and subject to a Major Disaster				
15	Declaration (FEMA-4628-DR) issued by President Biden on October 26, 2021.				
16	114. Community Development Services (53300).....			\$129,238,362	\$138,776,362
17					\$141,276,362
18	Community Development and Revitalization (53301)				
19		\$71,917,794	\$85,191,794		
20	Financial Assistance for Regional Cooperation				
21	(53303).....	\$39,144,251	\$35,408,251		
22			\$37,908,251		
23	Financial Assistance for Community Development				
24	(53305).....	\$18,176,317	\$18,176,317		
25	Fund Sources: General.....	\$99,767,590	\$109,305,590		
26			\$111,805,590		
27	Special.....	\$5,221,893	\$5,221,893		
28	Trust and Agency.....	\$150,000	\$150,000		
29	Federal Trust.....	\$24,098,879	\$24,098,879		
30	Authority: Title 15.2, Chapter 13, Article 3 and Chapter 42; Title 36, Chapters 8, 10 and 11;				
31	and Title 59.1, Chapter 22, Code of Virginia.				
32	A. Out of the amounts in this Item, \$351,930 the first year and \$351,930 the second year from				
33	the general fund is provided for annual membership dues to the Appalachian Regional				
34	Commission. These dues are payable from the amounts for Financial Assistance for Regional				
35	Cooperation.				
36	B. The department and local program administrators shall make every reasonable effort to				
37	provide participants basic financial counseling to enhance their ability to benefit from the				
38	Indoor Plumbing Program and to foster their movement to economic self-sufficiency.				
39	C. Out of the amounts in this Item shall be paid from the general fund in four equal quarterly				
40	installments each year:				
41	1. To the Lenowisco Planning District Commission, \$75,971 the first year and \$89,971 the				
42	second year, which includes \$38,610 the first year and \$38,610 the second year for				
43	responsibilities originally undertaken and continued pursuant to § 15.2-4207, Code of				
44	Virginia, and the Virginia Coalfield Economic Development Authority.				
45	2. To the Cumberland Plateau Planning District Commission, \$75,971 the first year and				
46	\$89,971 the second year, which includes \$42,390 the first year and \$42,390 the second year				
47	for responsibilities originally undertaken and continued pursuant to § 15.2-4207, Code of				
48	Virginia, and the Virginia Coalfield Economic Development Authority.				
49	3. To the Mount Rogers Planning District Commission, \$75,971 the first year and \$89,971 the				
50	second year.				
51	4. To the New River Valley Planning District Commission, \$75,971 the first year and				
52	\$89,971 the second year.				

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1	5. To the Roanoke Valley-Alleghany Regional Commission, \$75,971 the first year and				
2	\$89,971 the second year.				
3	6. To the Central Shenandoah Planning District Commission, \$75,971 the first year and				
4	\$89,971 the second year.				
5	7. To the Northern Shenandoah Valley Regional Commission, \$75,971 the first year and				
6	\$89,971 the second year.				
7	8. To the Northern Virginia Regional Commission, \$151,943 the first year and				
8	\$165,943 the second year.				
9	9. To the Rappahannock-Rapidan Regional Commission, \$75,971 the first year and				
10	\$89,971 the second year.				
11	10. To the Thomas Jefferson Planning District Commission, \$75,971 the first year and				
12	\$89,971 the second year.				
13	11. To the Region 2000 Local Government Council, \$75,971 the first year and				
14	\$89,971 the second year.				
15	12. To the West Piedmont Planning District Commission, \$75,971 the first year and				
16	\$89,971 the second year.				
17	13. To the Southside Planning District Commission, \$75,971 the first year and \$89,971 the				
18	second year.				
19	14. To the Commonwealth Regional Council, \$75,971 the first year and \$89,971 the				
20	second year.				
21	15. To the Richmond Regional Planning District Commission, \$113,957 the first year and				
22	\$127,957 the second year.				
23	16. To the George Washington Regional Commission, \$75,971 the first year and				
24	\$89,971 the second year.				
25	17. To the Northern Neck Planning District Commission, \$75,971 the first year and				
26	\$89,971 the second year.				
27	18. To the Middle Peninsula Planning District Commission, \$75,971 the first year and				
28	\$89,971 the second year.				
29	19. To the Crater Planning District Commission, \$75,971 the first year and \$89,971 the				
30	second year.				
31	20. To the Accomack-Northampton Planning District Commission, \$75,971 the first year				
32	and \$89,971 the second year.				
33	21. To the Hampton Roads Planning District Commission \$151,943 the first year, and				
34	\$165,943 the second year.				
35	D. Out of the amounts in this Item, \$968,442 the first year and \$1,568,442 the second year				
36	from the general fund shall be provided for the Southeast Rural Community Assistance				
37	Project (formerly known as the Virginia Water Project) operating costs and water and				
38	wastewater grants. The department shall disburse the total payment each year in twelve				
39	equal monthly installments.				
40	E. The department shall leverage any appropriation provided for the capital costs for safe				
41	drinking water and wastewater treatment in the Lenowisco, Cumberland Plateau, or Mount				
42	Rogers planning districts with other state moneys, federal grants or loans, local				
43	contributions, and private or nonprofit resources.				
44	F.1. Out of the amounts in this Item, \$95,000 the first year and \$95,000 the second year				
45	from the general fund shall be provided for the Center for Rural Virginia. The department				
46	shall report periodically to the Chairmen of the Senate Finance and House Appropriations				
47	Committees on the status, needs and accomplishments of the center.				

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1	2. As part of its mission, the Center for Rural Virginia shall monitor the implementation of the				
2	budget initiatives approved by the 2005 Session of the General Assembly for rural Virginia				
3	and shall report periodically to the Chairmen of the Senate Finance and House Appropriations				
4	Committees on the effectiveness of these various programs in addressing rural economic				
5	development problems.				
6	G. Out of the amounts in this Item, \$171,250 the first year and \$171,250 the second year from				
7	the general fund shall be provided to support The Crooked Road: Virginia's Heritage Music				
8	Trail.				
9	H. Out of the amounts in this Item, \$2,500,000 the first year and \$3,000,000 the second year				
10	from the general fund shall be deposited to the Virginia Removal or Rehabilitation of Derelict				
11	Structures Fund to support industrial site revitalization. Out of the amounts in this paragraph,				
12	\$1,000,000 the first year and \$1,500,000 the second year from the general fund is designated				
13	for removing, renovating or modernizing port-related buildings and facilities in the cities of				
14	Portsmouth, Norfolk, Newport News, Richmond or Front Royal.				
15	I.1. Out of the amounts in this Item, \$500,000 the first year and \$2,000,000 the second year				
16	from the general fund shall be provided for the Virginia Main Street Program. This amount				
17	shall be in addition to other appropriations for this activity.				
18	2. Out of the amounts provided in this paragraph, \$1,500,000 shall be used by the Department				
19	to support small businesses in order to assist with economic recovery from the COVID-19				
20	pandemic. The Department may use these funds to support small, micro, and sole proprietor				
21	businesses, as well as women-owned and minority-owned businesses, the Community				
22	Business Launch program, and other such business support activities.				
23	J. Of the general fund amounts provided for the Virginia Main Street Program, the Indoor				
24	Plumbing Rehabilitation Program, and the water and wastewater planning and construction				
25	projects in Southwest Virginia, the department is authorized to use up to two percent of the				
26	appropriation in each year for program administration.				
27	K.1. Out of the amounts in this Item, \$875,000 the first year and \$875,000 the second year				
28	from the general fund shall be provided for the Southwest Virginia Cultural Heritage				
29	Foundation.				
30	2. The foundation shall report by September 1 of each year to the Governor and the Chairmen				
31	of the House Appropriations and Senate Finance Committees on the expenditures of the				
32	foundation and its ongoing efforts to generate revenues sufficient to sustain operations.				
33	L.1. Out of the amounts in this Item, \$49,725,000 the first year and \$49,725,000 the second				
34	year from the general fund is provided for the Virginia Telecommunication Initiative. The				
35	funds shall be used for providing financial assistance to supplement construction costs by				
36	private sector broadband service providers to extend service to areas that presently are				
37	unserved by any broadband provider. Any balances for the purposes specified in this				
38	paragraph which are unexpended on June 30, 2021, and June 30, 2022, shall not revert to the				
39	general fund but shall be carried forward and reappropriated.				
40	2. The department shall develop appropriate criteria and guidelines for the use of the funding				
41	provided to the Virginia Telecommunication Initiative. Such criteria and guidelines shall: (i)				
42	facilitate the extension of broadband networks by the private sector, except as provided for in				
43	paragraph L.5. of this item, and shall focus on unserved areas; (ii) attempt to identify the				
44	most cost-effective solutions, given the proposed technology and speed that is desired; (iii)				
45	give consideration to proposals that are public-private partnerships in which the private sector				
46	will own and operate the completed project; (iv) consider the number of locations where the				
47	applicant states that service will be made available, in addition to whether customers take the				
48	service in both evaluating applications and in establishing completion and accountability				
49	requirements; and, (v) require investment from the private sector partner in the project prior to				
50	making any award from the fund at an appropriate level determined by the Department. The				
51	department shall encourage additional assistance from the local governments in areas				
52	designated to receive funds to lower the overall cost and further assist in the timely				
53	completion of construction, including assistance with permits, rights of way, easement and				
54	other issues that may hinder or delay timely construction and increase the cost.				

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1	3. The department shall post electronic copies of all submitted applications to the				
2	department's website after the deadline for application submissions has passed but before				
3	project approval, and shall establish a process for providers to challenge applications				
4	where providers assert the proposed area is served by another broadband provider.				
5	4. The department shall consult with the Broadband Advisory Council to designate the				
6	unserved areas to receive funds. The department shall report annually to the Governor's				
7	Broadband Advisory Council on the progress by the private sector on the designated				
8	projects.				
9	5. The Department shall establish a one-year pilot program in which public broadband				
10	authorities may apply directly for Virginia Telecommunications Initiative funds without				
11	investment from the private sector. Such awards shall not exceed 10 percent of total				
12	available VATI funds in fiscal year 2022.				
13	M. Out of the amounts in this item, \$1,158,647 the first year and \$1,408,647 the second				
14	year from the general fund is provided for administrative support for the Virginia				
15	Telecommunications Initiative.				
16	N.1. Out of the amounts in this Item, \$34,450,000 the first year and \$30,000,000 the				
17	second year from the general fund shall be deposited to the Virginia Growth and				
18	Opportunity Fund to encourage regional cooperation among business, education, and				
19	government on strategic economic and workforce development efforts in accordance with				
20	§ 2.2-2487, Code of Virginia.				
21	2. Of the amounts provided in this paragraph, the appropriation shall be distributed as				
22	follows: (i) \$2,250,000 the first year and \$2,250,000 the second year from the general				
23	fund shall be allocated to qualifying regions to support organizational and capacity				
24	building activities, which, notwithstanding § 2.2-2489, Code of Virginia, may not require				
25	matching funds if a waiver is granted by the Virginia Growth and Opportunity Board to a				
26	qualifying region upon request; (ii) \$16,900,000 the first year and \$16,900,000 the second				
27	year from the general fund shall be allocated to qualifying regions based on each region's				
28	share of the state population; and (iii) \$15,300,000 the first year and \$10,850,000 the				
29	second year from the general fund shall be awarded to regional councils on a competitive				
30	basis.				
31	3. The Virginia Growth and Opportunity Board may allocate monies among the				
32	distributions outlined in paragraph N.2. of this item to meet demonstrated demand for				
33	funds. However, only those regional councils whose allocation is less than \$1,000,000 in a				
34	fiscal year based on the region's share of state population shall be eligible to receive an				
35	additional allocation, and the amount shall be limited such that the total allocation does				
36	not exceed \$1,000,000 in a fiscal year.				
37	4. The Virginia Growth and Opportunity Board may approve grants for assessments of				
38	commercial economic development demand and current access, and to advance the				
39	planning and engineering of broadband infrastructure that are aligned with the framework				
40	recommended by the working group, established in Chapter 2, 2018 Special Session I,				
41	Acts of Assembly and shall give priority consideration for broadband technology				
42	development and deployment to facilitate the connectivity or upgrade of services to				
43	current and proposed business-ready sites in areas of high unemployment in qualifying				
44	regions.				
45	5. The department shall report one month after the close of each calendar quarter to the				
46	Governor and the Chairs of the House Appropriations and Senate Finance and				
47	Appropriations Committees on grant awards and expenditures from the Virginia Growth				
48	and Opportunity Fund. The report shall include, but not be limited to, total appropriations				
49	made or transferred to the fund, total grants awarded, total expenditures from the fund,				
50	cash balances, and balances available for future commitments. The report shall further				
51	summarize such amounts by the allocations provided in paragraph N.2. of this item,				
52	including amounts allocated to support organizational and capacity building activities,				
53	amounts allocated to regional councils based on each region's share of the state				
54	population, and amounts to be awarded on a competitive basis.				
55	O. Of the amounts in this item, \$100,000 in the first year and \$20,000 in the second year				

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1	from the general fund shall be provided to the Middle Peninsula Planning District				
2	Commission for the purpose of designing and constructing a pilot elevated septic system				
3	suitable for areas susceptible to recurrent flooding in rural coastal Virginia. The Department				
4	of Health will monitor its ability to protect public health and as a potential strategy for				
5	resiliency of recurrent tidal flooding.				
6	P.1. Out of the amounts in this item, \$424,000 in the second year from the general fund is				
7	provided to support the creation of a statewide broadband map. The Department shall, in				
8	coordination with the Office of the Chief Broadband Advisor, develop a statewide broadband				
9	availability map indicating broadband coverage, including maximum broadband speeds				
10	available in service territories in the Commonwealth. The Department and Chief Advisor shall				
11	provide the initial map by July 1, 2022, or as soon as practicable, and shall update the map at				
12	least annually.				
13	2. Broadband service providers shall be required to submit updated service territory data to				
14	the Department annually. The Department shall establish a process, timeline, and specific data				
15	requirements for broadband providers to submit their data. All public bodies shall cooperate				
16	with the Department, or any agent thereof, to furnish data requested by the Department for the				
17	initial improvement and maintenance of the map.				
18	3. In no instance may the Department require broadband providers to submit any data, in				
19	either substantive content or form, beyond that which the provider is required to submit to the				
20	Federal Communications Commission pursuant to the federal Broadband Deployment				
21	Accuracy and Technological Availability Act, 47 U.S.C. § 641 et. seq., provided, however,				
22	that satellite-based broadband providers that have been designated as an eligible				
23	telecommunications carrier pursuant to 47 U.S.C. § 214(e)(6) for any portion of the				
24	Commonwealth shall be required to submit comparable data as other broadband providers.				
25	Public bodies and broadband providers shall not be required to submit any customer				
26	information, such as names, addresses, or account numbers.				
27	4. The Department may publish only anonymized versions of the map, showing locations				
28	served and unserved by broadband without reference to any specific provider. The map shall				
29	not include information regarding ownership or control over the network or networks				
30	providing service. The Department shall establish a process for broadband providers to				
31	petition the Department to correct inaccuracies in the map. Any determination made by the				
32	Department pursuant to any specific petition with respect to any specific map to correct				
33	inaccuracies shall be final and not subject to further review.				
34	5. Maps published by the Department pursuant to this section may be considered, but shall not				
35	be considered conclusive, for purposes of determining eligibility for funding for				
36	Commonwealth broadband expansion grant or loan programs, including the Virginia				
37	Telecommunication Initiative, or challenges thereto.				
38	6. The Department: (i) may contract with private parties to make the necessary improvements				
39	to the existing map and to maintain the map. Such private parties may include any entities and				
40	individuals selected by the Department to assist the Department in improving and maintaining				
41	such a map; (ii) shall consult existing broadband maps, particularly those published by the				
42	Federal Communications Commission; and (iii) may acquire existing, privately held data or				
43	mapping information that may contribute to the accuracy of the map.				
44	7. Information submitted by a broadband provider in connection with this section shall be				
45	excluded from the requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et				
46	seq.). Information submitted by a broadband provider pursuant to this section shall be used				
47	solely for the purposes stated under this section and shall not be released by the Department,				
48	or any other public records custodian, without the express written permission of the				
49	submitting broadband provider.				
50	8. The Department shall annually evaluate federal mapping data and shall waive the				
51	requirement for broadband providers to submit territory data if a map of near identical or				
52	greater quality is made publicly available by the Federal Communications Commission as part				
53	of the federal Digital Opportunity Data Collection program or its successor. This waiver shall				
54	not be unreasonably withheld.				
55	9. For the purposes of the initiative outlined in paragraph P. of this item, "Broadband" means				

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1	Internet access at speeds equal to or greater than the broadband Internet speed benchmark				
2	set by the Federal Communications Commission. "Broadband provider" means a provider				
3	of fixed or mobile broadband Internet access service and includes any entity required to				
4	provide the federal government with information on Federal Communications				
5	Commission Form 477 or as part of the federal Digital Opportunity Data Collection				
6	program or a provider of satellite-based broadband Internet access service that has been				
7	designated as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e)(6) for				
8	any portion of the Commonwealth. "Chief Advisor" means the Commonwealth Broadband				
9	Chief Advisor as established in § 2.2-205.2, Code of Virginia. "Map" means the statewide				
10	broadband availability map developed and maintained pursuant to paragraph P. of this				
11	item.				
12	Q.1. Out of the amounts in this item, \$10,000,000 the second year from the general fund is				
13	provided to establish a special, non-reverting Virginia Community Development Financial				
14	Institutions (CDFI) Fund to provide grants to community development financial				
15	institutions (CDFIs), community development enterprises (CDE), or other such similar				
16	entities as permitted by law, whose primary purpose is to provide financing in the form of				
17	loans, grants or forgivable loans to small businesses or community revitalization real				
18	estate projects in Virginia. The general funds appropriated in this paragraph constitute a				
19	one-time appropriation of funding to capitalize this program. The Fund shall consist of				
20	any funds appropriated to it by the general appropriation act and revenue from any other				
21	source, public or private. The Fund shall be established on the books of the Comptroller,				
22	and any funds remaining in the Fund at the end of a biennium shall not revert to the				
23	general fund but shall remain in the Fund. Interest earned on the Fund shall be credited to				
24	the Fund. Of the amounts included in this paragraph, up to \$300,000 the second year from				
25	the general fund is provided to the Department for administrative costs.				
26	2. The Department is hereby authorized to develop appropriate criteria and guidelines for				
27	the use of funding provided to the Virginia Community Development Financial Institution				
28	Fund. The Department shall award grant funding based on these criteria and guidelines				
29	and may enter into a contractual agreement with eligible CDFIs or similar private entities				
30	to make grants and loans to small businesses adversely impacted by the COVID				
31	pandemic. In developing such guidelines, the Department shall consider prioritizing state				
32	funds for CDFIs, CDEs, and other such entities that do not receive federal funding made				
33	available from the Consolidated Appropriations Act, 2021 (P.L. 116-260). An eligible				
34	qualifying CDFI shall be a community development bank, community development credit				
35	union, or other similar private entity that the Department finds is (i) established to conduct				
36	business legally within the Commonwealth; (ii) subject to oversight by federal or state				
37	financial institutions or insurance regulatory agencies, as appropriate; and (iii) eligible for				
38	certification by the U.S. Department of Treasury as a community development financial				
39	institution or other similar charter or principles which require support of small businesses.				
40	3. The community development bank, community development credit union, or other				
41	similar organization is intended to be a source of targeted lending and investment with the				
42	capacity to provide a high degree of leverage for economic development and business				
43	support activities within communities throughout the Commonwealth. These activities				
44	may include loans and investments to start or expand small businesses, operating and				
45	working capital, property renovation or development, and financial services with a focus				
46	on small businesses impacted by the COVID pandemic. The entity may also provide				
47	services that help ensure that credit is used effectively, such as technical assistance to				
48	small businesses and credit counseling to consumers.				
49	4. On or before December 1 of each year, the Department shall report to the Secretary of				
50	Commerce and Trade, the Governor, and the Chairs of the House Committee on				
51	Appropriations and the Senate Committee on Finance and Appropriations on such other				
52	matters regarding the Fund as the Department may deem appropriate, including the				
53	amount of funding committed to projects from the Fund, or other items as may be				
54	requested by any of the foregoing persons to whom such report is to be submitted.				
55	R. Out of the amounts in this item, \$500,000 the second year from the general fund is				
56	provided for the Lenowisco Planning District Commission and Cumberland Plateau				
57	Planning District Commission designated for initiatives intended to expand education and				
58	telehealth access. Such funds for grants shall be managed by the Virginia Coalfield				

ITEM 114.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Economic Development Authority.				
2	<i>S.1. Out of this appropriation, \$2,500,000 the second year from the general fund is provided</i>				
3	<i>for the department to award grants to certified regional councils established by § 2.2-2488,</i>				
4	<i>Code of Virginia to identify and address business workforce needs in regional industry</i>				
5	<i>clusters. The department shall work with the Virginia Initiative for Growth and Opportunity</i>				
6	<i>Board established by § 2.2-2485, Code of Virginia, and the Office of Education and Labor</i>				
7	<i>Market Alignment (the Office) in the Virginia Economic Development Partnership Authority</i>				
8	<i>established by § 2.2-2238, Code of Virginia to distribute these funds. Grant awards must be</i>				
9	<i>recommended by staff of the department and the Office with final approval by the GO</i>				
10	<i>Virginia Board.</i>				
11	<i>2. These planning grants shall support analysis on the workforce needs of regional businesses</i>				
12	<i>and the identification of the skills and training that can help prepare Virginians to fill</i>				
13	<i>available jobs in regional markets. Skills and training includes, but is not limited to, high</i>				
14	<i>school career and technical education, credentials, certifications, apprenticeships,</i>				
15	<i>internships, and other degree and non-degree programs that can help prepare individuals for</i>				
16	<i>career opportunities.</i>				
17	<i>3. The Office shall provide analytical support to regional councils in developing the analysis</i>				
18	<i>described above. As a condition of the grant, regional councils shall provide quantitative and</i>				
19	<i>qualitative information on current and future needs of regional businesses within the targeted</i>				
20	<i>industry clusters to the Office.</i>				
21	<i>4. This planning grant program shall last no longer than a year from its start date, and</i>				
22	<i>represent a one-time appropriation of funds for this purpose.</i>				
23	<i>5. Any funds remaining at the end of the fiscal year shall not revert to the general fund and</i>				
24	<i>shall be carried forward into the next fiscal year by the department for the purposes described</i>				
25	<i>in paragraph S.1.</i>				
26	115. Not set out.				
27	116. Not set out.				
28	117. Not set out.				
29	118. Not set out.				
30	118.10 Not set out.				
31	Total for Department of Housing and Community				
32	Development.....			\$319,693,822	\$342,131,822
33					\$344,631,822
34	General Fund Positions.....	75.25	84.25		
35	Nongeneral Fund Positions.....	60.75	77.75		
36	Position Level.....	136.00	162.00		
37	Fund Sources: General.....	\$208,142,878	\$202,280,878		
38			\$204,780,878		
39	Special.....	\$8,267,849	\$8,267,849		
40	Trust and Agency.....	\$150,000	\$150,000		
41	Dedicated Special Revenue.....	\$400,000	\$400,000		
42	Federal Trust.....	\$102,733,095	\$131,033,095		
43	§ 1-16. DEPARTMENT OF LABOR AND INDUSTRY (181)				
44	119. Not set out.				
45	120. Regulation of Business Practices (55200).....			\$1,898,182	\$2,019,903
46	Labor Law Services (55206).....	\$1,898,182	\$2,019,903		

ITEM 120.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Fund Sources: General.....	\$1,898,182	\$2,019,903		
2	Authority: Title 40.1, Chapters 1, 3, 4, and 5, Code of Virginia.				
3	A. Out of the amounts in this item, \$421,721 the first year and \$843,442 the second year				
4	from the general fund is provided to support additional positions within the Labor and				
5	Employment Law Division, including one attorney, one supervisor, one administrative				
6	staff, and five investigators.				
7	B.1. The Department shall report to the Chairs of the House Appropriations and Senate				
8	Finance and Appropriations Committees, and the Director, Department of Planning and				
9	Budget, by November 1 of each year on the state's minimum wage program, including, but				
10	not limited to, the number of (i) customer contacts concerning minimum wage, (ii)				
11	minimum wage claims processed, (iii) cases with wages collected, (iv) cases with claims				
12	ruled invalid, (v) cases with final orders issued, and (vi) cases cleared within 90 days.				
13	2. The Department shall report to the Chairs of the House Appropriations and Senate				
14	Finance and Appropriations Committees, and the Director, Department of Planning and				
15	Budget, by November 1 of each year on the state's earned paid sick leave program,				
16	including, but not limited to, the number of (i) customer contacts concerning earned paid				
17	sick leave; (ii) sick leave claims processed; (iii) cases with earned paid sick leave claims				
18	resolved; whether for accrual of time; use of time; notice and posting; or retaliation (iv)				
19	claims not substantiated; (v) cases taken to court; and (vi) cases cleared within 90 days;				
20	not to include cases adjudicated in court.				
21	3. The Department shall report to the Chairs of the House Appropriations and Senate				
22	Finance and Appropriations Committees, and the Director, Department of Planning and				
23	Budget, by November 1 of each year on the state's anti-discrimination in payment of wage				
24	program, including, but not limited to, the number of (i) customer contacts concerning				
25	discrimination involving payment of wage complaints or proceedings, (ii) payment of				
26	wage discrimination complaints processed, (iii) meritorious complaints with payment of				
27	wage discrimination resolved with either reinstatement or recovery of lost wages, (iv) non				
28	meritorious complaints, i.e. cases with no adverse action or no protected activity, and (v)				
29	cases taken to court.				
30	4. The Department shall report to the Chairs of the House Appropriations and Senate				
31	Finance and Appropriations Committees, and the Director, Department of Planning and				
32	Budget, by November 1 of each year on the state's anti-discrimination in worker				
33	misclassification program, including, but not limited to, the number of (i) customer				
34	contacts concerning discrimination involving worker misclassification, (ii) discrimination				
35	in worker misclassification claims processed, (iii) meritorious complaints with worker				
36	misclassification wage discrimination resolved with either reinstatement and/or recovery				
37	of lost wages, (iv) non meritorious complaints, i.e. cases with no adverse action or no				
38	protected activity, and (v) cases taken to court.				
39	5. The Department shall report to the Chairs of the House Appropriations and Senate				
40	Finance and Appropriations Committees, and the Director, Department of Planning and				
41	Budget, by November 1 of each year on the state's prevailing wage rate program,				
42	including, but not limited to, the number of (i) contacts from state agencies to determine				
43	the proper prevailing wage, (ii) prevailing wage determinations for the involved planning				
44	district calculated using Davis-Bacon rates for the cities and counties within the planning				
45	district, and (iii) contractor provided scale of pay and fringe benefits certified and				
46	received.				
47	C. Out of the amounts included in this appropriation, \$300,000 in the first year from the				
48	general fund is provided to support the labor law and state capital construction process				
49	workgroup and related infrastructure established in paragraphs B., C., and D. of Item				
50	111.10 of this act. The funds may be used to hire outside consultants, or cover any				
51	additional costs that the Chief Workforce Development Advisor/new Secretary of Labor				
52	created by House Bill 2321, 2021 General Assembly recommends to effectuate the				
53	provisions outlined in Item 111.10 in the aforementioned paragraphs. The Director of the				
54	Department of Planning and Budget is authorized to transfer the amounts contained in this				
55	paragraph to the Chief Workforce Development Advisor/new Secretariat created by House				
56	Bill 2321, 2021 General Assembly. These funds shall not revert back to the general fund				

ITEM 120.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1		at the end of the fiscal year. These funds shall not be used or otherwise obligated for any other				
2		purpose.				
3	121.	Not set out.				
4	122.	Not set out.				
5	123.	Not set out.				
6	123.10	Not set out.				
7		Total for Department of Labor and Industry.....			\$19,719,127	\$21,331,418
8		General Fund Positions.....	134.55	134.55		
9		Nongeneral Fund Positions.....	73.45	73.45		
10		Position Level.....	208.00	208.00		
11		Fund Sources: General.....	\$11,630,408	\$13,242,699		
12		Special.....	\$1,974,282	\$1,974,282		
13		Federal Trust.....	\$6,114,437	\$6,114,437		
14	124.	Not set out.				
15	125.	Not set out.				
16	126.	Not set out.				
17	126.10	Not set out.				
18	127.	Not set out.				
19	128.	Not set out.				
20	128.10	Not set out.				
21	129.	Not set out.				
22		§ 1-17. VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP (310)				
23	130.	Economic Development Services (53400).....			\$34,802,309	\$43,752,309
24						\$45,179,309
25		Economic Development Services (53412).....	\$34,802,309	\$43,752,309		
26				\$45,179,309		
27		Fund Sources: General.....	\$34,802,309	\$43,752,309		
28				\$45,179,309		
29		Authority: Title 2.2, Chapter 22, Article 4 and Chapter 51; and § 15.2-941, Code of Virginia.				
30		A. Upon authorization of the Governor, the Virginia Economic Development Partnership may				
31		transfer funds appropriated to it by this act to a nonstock corporation.				
32		B. Prior to July 1 of each fiscal year, the Virginia Economic Development Partnership shall				
33		provide to the Chairmen of the House Appropriations and Senate Finance Committees and the				
34		Director, Department of Planning and Budget a report of its operational plan. Prior to				
35		November 1 of each fiscal year, the Partnership shall provide to the Chairmen of the House				
36		Appropriations and Senate Finance Committees and the Director, Department of Planning and				
37		Budget a detailed expenditure report and a listing of the salaries and bonuses for all				
38		partnership employees for the prior fiscal year. All three reports shall be prepared in the				
39		formats as previously approved by the Department of Planning and Budget.				

ITEM 130.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	C. In developing the criteria for any pay for performance plan, the board shall include, but				
2	not be limited to, these variables: 1) the number of economic development prospects				
3	committed to move to or expand operations in Virginia; 2) dollar investment made in				
4	Virginia for land acquisition, construction, buildings, and equipment; 3) number of full-				
5	time jobs directly related to an economic development project; and 4) location of the				
6	project. To that end, the pay for performance plan shall be weighted to recognize and				
7	reward employees who successfully recruit new economic development prospects or cause				
8	existing prospects to expand operations in localities with fiscal stress greater than the				
9	statewide average. Fiscal Stress shall be based on the Index published by the Commission				
10	on Local Government. If a prospect is physically located in more than one contiguous				
11	locality, the highest Fiscal Stress Index of the participating localities will be used.				
12	D. The State Comptroller shall disburse the first and second year appropriations in twelve				
13	equal monthly installments. The Director, Department of Planning and Budget may				
14	authorize an increase in disbursements for any month, not to exceed the total appropriation				
15	for the fiscal year, if such an advance is necessary to meet payment obligations.				
16	E. The Virginia Economic Development Partnership shall provide administrative and				
17	support services for the Virginia Tourism Authority as prescribed in the Memorandum of				
18	Agreement until July 1, 2022, or until the authority is able to provide such services.				
19	F. The Virginia Economic Development Partnership shall report one month after the close				
20	of each quarter to the Chairmen of the Senate Finance and House Appropriations				
21	Committees on the Commonwealth's Development Opportunity Fund. The report shall				
22	include, but not be limited to, total appropriations made or transferred to the fund, total				
23	grants awarded, cash balances, and balances available for future commitments.				
24	G. Prior to purchasing airline and hotel accommodations related to overseas trade shows,				
25	the Virginia Economic Development Partnership shall provide an itemized list of				
26	projected costs for review by the Secretary of Commerce and Trade.				
27	H.1. Out of the amounts in this Item, \$2,250,000 in the first year and \$2,250,000 in the				
28	second year from the general fund shall be deposited in the Virginia Brownfields				
29	Restoration and Economic Redevelopment Assistance Fund established pursuant to §				
30	10.1-1237 , Code of Virginia.				
31	2. Guidelines developed by the Virginia Economic Development Partnership, in				
32	consultation with the Department of Environmental Quality, governing the use of the Fund				
33	shall provide for grants of up to \$500,000 for site remediation and include a requirement				
34	that sites with potential for redevelopment and economic benefits to the surrounding				
35	community be prioritized for consideration of such grants.				
36	I. Any requests for administrative or staff support for the Committee on Business				
37	Development and Marketing or the Committee on International Trade established to				
38	advise the Virginia Economic Development Partnership shall be directed to, and are				
39	subject to the approval of, the Chairman or the Chief Executive Officer of the Virginia				
40	Economic Development Partnership.				
41	J.1. Out of the amounts in this item, \$5,020,387 the first year and \$7,370,387 the second				
42	year from the general fund is provided to support the development of a workforce program				
43	to provide training and recruitment services to select companies locating or expanding in				
44	the Commonwealth.				
45	2. Out of the amounts in this item, \$1,427,000 the second year from the general fund is				
46	provided for expenses related to recruitment and training services for the benefit of the				
47	operators of a nitrile butadiene rubber production plant and a medical-grade glove				
48	manufacturing facility slated for development in Progress Park in the County of Wythe.				
49	The authority shall administer the funds contained in this paragraph in accordance with				
50	the provisions of Chapter 731 and Chapter 746 of the 2022 Acts of Assembly. This funding				
51	is supplemental to the funds provided in Paragraph J.1. and shall not be included in any				
52	base budget for the Virginia Talent Accelerator Program.				
53	K. Out of the amounts in this item, \$562,500 the first year and \$5,562,000 the second year				
54	from the general fund is provided to characterize, inventory, and develop economic sites				

ITEM 130.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	in the Commonwealth.				
2	L.1. Out of the amounts in this Item, \$500,000 the second year from the general fund is				
3	provided to establish the Office of Education and Labor Market Alignment in accordance with				
4	Senate Bill 1314 of the 2021 General Assembly, Special Session I.				
5	2. Notwithstanding any provision of law, the Office of Labor Market Alignment (the Office)				
6	shall serve as a resource for education and workforce programs administered by state				
7	government to better inform programmatic decisions on workforce education and training.				
8	Additionally, the Office shall serve as a guide and resource for the Governor and the General				
9	Assembly in determining strategic education and workforce investments in current and future				
10	education and workforce training programs with a particular focus on those programs				
11	supported with state general fund dollars. The Office shall communicate relevant information				
12	in a clear and concise manner to better enable policy makers and decision makers to navigate				
13	the complex, often confusing connections between education and the labor market.				
14	3. The Virginia Economic Development Partnership shall include in its annual report, due on				
15	November 1st of each year, an update on the activities of the Office of Labor Market and				
16	Alignment.				
17	M. Out of the amounts in this Item, \$1,100,000 the second year from the general fund is				
18	provided to support implementation of Virginia's International Trade Plan. Out of the amounts				
19	provided in this paragraph, \$330,000 shall be used to increase Virginia's capacity to leverage				
20	federal trade funding, and \$370,000 shall be used to support businesses with supply chain				
21	security. The remaining funds shall be used to expand current trade programs managed by the				
22	Partnership including the Virginia Leaders in Export Trade program.				
23	130.10 Not set out.				
24	Total for Virginia Economic Development				
25	Partnership.....			\$34,802,309	\$43,752,309
26					\$45,179,309
27	Fund Sources: General.....	\$34,802,309	\$43,752,309		
28			\$45,179,309		
29	131. Not set out.				
30	132. Not set out.				
31	133. Not set out.				
32	134. Not set out.				
33	134.10 Not set out.				
34	135. Not set out.				
35	TOTAL FOR OFFICE OF COMMERCE AND				
36	TRADE.....			\$1,153,560,612	\$1,218,093,176
37					\$1,244,190,176
38	General Fund Positions.....	421.23	444.23		
39	Nongeneral Fund Positions.....	1,301.77	1,318.77		
40	Position Level.....	1,723.00	1,763.00		
41	Fund Sources: General.....	\$398,108,768	\$462,547,996		
42			\$488,644,996		
43	Special.....	\$54,544,018	\$29,544,018		
44	Commonwealth Transportation.....	\$1,640,575	\$1,640,575		
45	Trust and Agency.....	\$549,733,725	\$546,529,069		
46	Dedicated Special Revenue.....	\$25,068,898	\$25,066,890		
47	Federal Trust.....	\$124,464,628	\$152,764,628		

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
OFFICE OF EDUCATION				
136.	Not set out.			
§ 1-18. DEPARTMENT OF EDUCATION, CENTRAL OFFICE OPERATIONS (201)				
137.	Instructional Services (18100).....		\$32,179,146	\$262,761,801
	Public Education Instructional Services (18101).....	\$12,605,662	\$12,813,662	
	Program Administration and Assistance for Instructional Services (18102).....	\$17,985,714	\$248,360,369	
	Adult Education and Literacy (18104).....	\$1,587,770	\$1,587,770	
	Fund Sources: General.....	\$10,474,990	\$10,582,990	
	Special.....	\$300,000	\$300,000	
	Commonwealth Transportation.....	\$279,612	\$279,612	
	Trust and Agency.....	\$5,000	\$5,000	
	Federal Trust.....	\$21,119,544	\$251,594,199	
	Authority: Public Education Instructional Services: Title 22.1, Chapter 13, Code of Virginia; P.L. 107-110, P.L. 105-332, P.L.108-447, P.L. 102-305, Federal Code.			
	Program Administration and Assistance for Instructional Services: Title 22.1, Chapter 13, Code of Virginia; P.L. 107-110, P.L. 105-332, P.L. 108-447, P.L. 102-305, Federal Code.			
	Compliance and Monitoring of Instructional Services: Title 22.1, Chapter 13, Code of Virginia; P.L. 107-110, P.L. 105-332, P.L. 108-447, Federal Code.			
	Adult Education and Literacy: §§ 2.2-2472, 22.1-223-226, 22.1-253.13:1, 22.1-254.2, Code of Virginia; P.L. 105-220, Federal Code.			
	A. The Superintendent of Public Instruction is encouraged to implement school/community team training.			
	B. The Superintendent of Public Instruction shall provide direction and technical assistance to local school divisions in the revision of their Vocational Education curriculum and instructional practices.			
	C. The Superintendent of Public Instruction, in cooperation with the Commissioner of Social Services, shall encourage local departments of social services and local school divisions to work together to develop cooperative arrangements for the use of school resources, especially computer labs, for the purpose of training Temporary Assistance for Needy Families (TANF) recipients for the workforce.			
	D. Notwithstanding § 4-1.04 a 3 of this act, the Superintendent of Public Instruction may apply for grant funding to be used by local school divisions consistent with the provisions of Chapter 447, 1999 Acts of Assembly. The nongeneral fund appropriation for this agency shall be adjusted by the amount of the proceeds of any such grant awards.			
	E. 1. Out of the appropriations in this item, \$1,300,000 the first year and \$1,300,000 the second year from the general fund is provided to support students and teachers pursuing information technology industry certifications. The funding shall be used to provide outreach, training, instructional resources, industry recognized certification opportunities for teachers and students enrolled in Virginia public high schools and regional career and technical education programs, and information technology curriculum resources for use by students' parents.			
	2. The funds provided in this initiative shall be used to support the following priority objectives: a) increase the percentage of students enrolled in career and technical education courses who receive instruction in information technology leading to an increased number of students achieving industry recognized certifications in information technology; b) increase the number of high schools and regional career and technical education programs that receive the training and technical support to be ready to implement information technology curricula leading to increased statewide			

ITEM 137.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	implementation and use; c) increase the number of teachers teaching targeted career and				
2	technical education courses and other high school teachers who receive training in				
3	information technology and in industry recognized certifications leading to an increased				
4	number of teachers achieving industry recognized certifications in information technology;				
5	and, d) support implementation of information technology curricula in school divisions in				
6	Southside and Southwest Virginia so that implementation in those regions is at least				
7	comparable to implementation in other regions of Virginia.				
8	F. Out of the appropriation in this Item, \$413,000 the first year and \$413,000 the second year				
9	from the general fund is provided for the Department of Education to continue a professional				
10	development program intended to increase the capacity of principals as school leaders in				
11	under-performing schools.				
12	G. Out of the appropriation in this Item, \$366,000 the first year and \$366,000 the second year				
13	from the general fund is provided to the Department of Education to assist local school				
14	divisions, as needed, to establish criteria for the professional development of teachers and				
15	principals on the subject of issues related to high-needs students.				
16	H. Out of this appropriation, \$1,450,000 the first year and \$1,750,000 the second year from				
17	the general fund is provided for the Virginia Kindergarten Readiness Program.				
18	a. Of this amount, \$1,350,000 the first year and \$1,350,000 the second year from the general				
19	fund is provided through the Department of Education to the University of Virginia to				
20	continue statewide implementation of the Virginia Kindergarten Readiness Program				
21	conducted in the fall, and to develop and implement a post-assessment upon the conclusion of				
22	the kindergarten year.				
23	b. The Department of Education shall coordinate with the University of Virginia's Center for				
24	Advanced Study of Teaching and Learning to ensure that all school divisions shall be required				
25	to have their kindergarten students assessed annually during the school year using the multi-				
26	dimensional kindergarten readiness assessment model. All school divisions shall be required				
27	to have their kindergarten students assessed with such model.				
28	c. Of this amount, \$300,000 the second year shall be allocated to the University of Virginia to				
29	support implementation of a pre-kindergarten version of the Virginia Kindergarten Readiness				
30	Program for four-year-old children enrolled in publicly-funded pre-kindergarten programs.				
31	d. Of this amount, \$100,000 the first year and \$100,000 the second year from the general fund				
32	shall be allocated to University of Virginia's Center for Advanced Study of Teaching and				
33	Learning to provide training to school divisions annually on how to effectively use Virginia				
34	Kindergarten Readiness Program data to improve instructional practices and student learning.				
35	Such teacher focused professional development and training shall be prioritized for the school				
36	divisions that would most benefit from state assistance in order to provide more time for				
37	classroom instruction and student learning.				
38	e. The Department and the University of Virginia's Center for Advanced Study of Teaching				
39	and Learning shall use the results of the multi-dimensional Virginia Kindergarten Readiness				
40	Program assessments to determine how well the Virginia Preschool Initiative promotes				
41	readiness in all key developmental domains assessed. The Department shall submit such				
42	findings using data from the prior year's fall assessment to the Chairmen of House				
43	Appropriations and Senate Finance Committees no later than October 1 each year.				
44	I. Out of this appropriation, \$700,000 the first year and \$700,000 the second year from the				
45	general fund is provided through the Department of Education to the University of Virginia's				
46	Center for Advanced Study of Teaching and Learning to ensure that teachers in select				
47	Virginia Preschool Initiative classrooms and publicly-funded early childhood programs				
48	receive appropriate individualized professional development training from professional				
49	development specialists to support quality teacher-child interactions and effective research-				
50	based curriculum implementation. Funding and professional development assistance shall be				
51	prioritized for teachers with Classroom Assessment Scoring System (CLASS) observation				
52	scores that did not meet the statewide minimum acceptable threshold standard established by				
53	the University of Virginia's Center for Advanced Study of Teaching and Learning and the				
54	Department of Education. The University of Virginia's Center for Advanced Study of				
55	Teaching and Learning, assisted on an as needed basis, by the Department of Education,				

ITEM 137.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Virginia Early Childhood Foundation, and Elevate Early Education to hire and train				
2	specialists to provide such individualized professional development. The University of				
3	Virginia's Center for Advanced Study of Teaching and Learning and the Training and				
4	Technical Assistance Centers funded by the Individuals with Disabilities Act (IDEA)				
5	through the Department of Education shall coordinate to ensure alignment of professional				
6	development and supports for teachers of children with special needs. In the event the				
7	University of Virginia does not require all funds from this appropriation to provide				
8	professional development, unused funds may be reallocated to cover the cost of				
9	conducting CLASS observations in publicly-funded classrooms.				
10	J. Out of this appropriation, \$350,000 the first year and \$350,000 the second year from the				
11	general fund is provided through the Department of Education to the University of				
12	Virginia to ensure that select Virginia Preschool Initiative and publicly-funded early				
13	childhood programs have the quality of their teacher-child interactions assessed through a				
14	rigorous and research-based classroom observational instrument at least once every two				
15	years using the CLASS observational instrument for such assessment. The University of				
16	Virginia, with input from the Department of Education and the use of its detailed plan for				
17	such assessments, has established a statewide minimum acceptable threshold for the				
18	quality of teacher-child interactions for Virginia Preschool Initiative classroom programs,				
19	and classrooms that are assessed below the threshold receive additional technical				
20	assistance from the Department of Education and the University of Virginia. The threshold				
21	shall be reviewed and re-affirmed no later than the beginning of the 2021-2022 school				
22	year. The University of Virginia's Center for Advanced Study of Teaching and Learning				
23	shall submit a progress report on such classroom observations to the Chairmen of House				
24	Appropriations and Senate Finance Committees no later than June 30 each year. In the				
25	event that the University of Virginia does not require all funds from this appropriation to				
26	conduct classroom observations, unused funds may be reallocated to cover the cost of				
27	providing professional development to classrooms.				
28	K. The Superintendent of Public Instruction shall convene a work group to develop and				
29	establish a plan to transfer the Child Care Development Fund grant from the Virginia				
30	Department of Social Services to the Virginia Department of Education no later than July				
31	1, 2021. The work group shall include representatives of (i) the Secretariats of Education				
32	and Health and Human Resources; (ii) relevant state agencies, including the Department				
33	of Planning and Budget, the Office of the Attorney General, the Department of Education,				
34	and the Department of Social Services; (iii) relevant regulatory boards, including the				
35	Board of Education; and (iv) the House Committee on Appropriations and the Senate				
36	Committee on Finance and Appropriations. The goal of this transfer is to house				
37	responsibility of child care and education programs under one agency. The plan shall be				
38	submitted to the Governor and the Chairs of the House Appropriations and Senate Finance				
39	and Appropriations Committees no later than August 15, 2020. Such plan shall confirm				
40	the funding amounts and positions that need to be transferred between the impacted				
41	agencies, and shall identify any savings or additional costs associated with the transfer of				
42	these programs. The review shall also assess any potential administrative impacts on the				
43	Department of Social Services and the Department of Education.				
44	L. 1. Out of this appropriation, \$3,055,524 the second year from nongeneral funds shall be				
45	transferred to the Department of Social Services to address costs associated with				
46	administration of the Child Care and Development Fund.				
47	2. The Department of Social Services and the Department of Education shall ensure that				
48	the Temporary Assistance for Needy Families (TANF) Virginia Initiative for Employment				
49	and Work (VIEW) mandated child care forecast is funded through a combination of				
50	general fund, TANF, and Child Care Development Fund (CCDF) grant dollars. The				
51	amount of needed CCDF dollars identified in the Memorandum of Agreement between the				
52	agencies shall be transferred from the Department of Education to the Department of				
53	Social Services within the first thirty days of the fiscal year. The Department of Social				
54	Services shall notify the Department of Education of the required amount of the next fiscal				
55	year transfer upon the enrollment of the budget. This amount shall reflect the need				
56	identified in the official forecast as well as changes resulting from actions in the final				
57	budget.				
58	M. The Department of Education, in collaboration with the Department of Social Services,				

ITEM 137.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	shall prepare an annual Child Care and Development Fund (CCDF) report that reflects all				
2	CCDF expenditures from the previous fiscal year, current grant balances, as well as all				
3	anticipated spending for the current and two subsequent fiscal years. Identified spending				
4	should, at a minimum, be broken down by subsidies (mandated and discretionary),				
5	administrative costs, and quality efforts. In addition, this plan should report, by locality, the				
6	number of subsidies (mandated and discretionary) provided, number of providers receiving				
7	CCDF dollars, the overall number of child care providers, and the waitlist for services. This				
8	information should be provided the previous fiscal year, current fiscal year, and two				
9	subsequent fiscal years. The plan shall also include an appendix with the most recently				
10	completed CCDF annual report as required by the federal Office of Child Care. The				
11	department shall submit the report by October 1 of each year to the Governor and the Chairs				
12	of the House Appropriations and Senate Finance and Appropriations Committees. In addition,				
13	the department shall post this report on its website along with any reports from previous fiscal				
14	years.				
15	N. The University of Virginia shall provide financial information for the last five fiscal years				
16	related to the Phonological Awareness Literacy Screening (PALS) program to the Department				
17	of Education. Such information shall include revenues and expenditures by category, and				
18	shall differentiate revenues and expenditures related to the PALS program for the benefit of				
19	(i) Virginia public school students and (ii) all other students. The Department shall submit				
20	such information to the Chairs of the House Appropriations and Senate Finance and				
21	Appropriations Committees no later than December 1, 2020.				
22	O. Notwithstanding any other provision of law, the Department of Education shall have				
23	temporary authority to make any changes to the Child Care and Development Fund (CCDF)				
24	State Plan, request waivers from the federal Office of Child Care, change eligibility criteria				
25	for benefits and services, and payment levels for the Child Care Subsidy Program in response				
26	to the COVID-19 pandemic and new authorities and funding made available by the federal				
27	government to effect those policies necessary to ensure that benefits are available to eligible				
28	populations in response to COVID-19. Prior to the implementation of any change, the				
29	Department of Education must receive written approval from the Governor. Within 15 days of				
30	implementing changes in response to COVID-19, the Department of Education shall send a				
31	list of such actions to the Director of the Department of Planning and Budget and the Chairs				
32	of the House Appropriations and Senate Finance and Appropriations Committees. The				
33	provisions of this paragraph, as well as any actions implemented under its authority, shall be				
34	in accordance with the Governor's emergency declaration for COVID-19 and be in effect for				
35	the period specified therein following the July 1, 2021, transfer of the CCDF grant from the				
36	Virginia Department of Social Services to the Virginia Department of Education.				
37	P. The Department of Education shall conduct a review of Family Life Education in the				
38	Commonwealth. Each school division shall report to the Department on whether the division				
39	offers Family Life Education; how medical accuracy of the curriculum is determined; whether				
40	the curriculum includes instruction on a range of contraceptive options; whether instruction is				
41	provided on sexual orientation and gender identity; whether the curriculum is provided by				
42	school division staff or external organizations; and how often Family Life Education is				
43	provided. The Department shall also use the Youth Risk Behavior Survey to examine and				
44	report on any correlation that may exist between student behavior and the type of Family Life				
45	Education offered in the division. The Department shall submit a report by November 1,				
46	2021, to the Governor and Chairmen of the House Appropriations and Senate Finance and				
47	Appropriations Committees. The report shall also include best practices for teacher training				
48	and parent and community involvement.				
49	Q. The Department of Education shall report on its progress in implementing the				
50	recommendations identified in the "Feasibility Study of Developing an Early Childhood				
51	Mental Health Consultation Program", as directed by House Joint Resolution 51 (2020), and				
52	identify any legislative, regulatory, budgetary, and other actions necessary to implement				
53	recommendations in such study. Such progress report shall be submitted to the Chairs of the				
54	House Appropriations and Senate Finance and Appropriations Committees no later than				
55	October 1, 2021.				
56	R. Out of this appropriation, \$52,458,428 the second year from the federal Child Care and				
57	Development Fund is provided to temporarily expand the Child Care Subsidy Program,				
58	pursuant to the passage of House Bill 2206 of 2021 Special Session I.				

ITEM 137.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	S. Out of this appropriation, \$208,000 the second year from the general fund is provided				
2	to integrate Virginia's Career and Technical Education curriculum database and				
3	information system into the state's learning management system.				
4	T. The Superintendent of Public Instruction shall convene a workgroup to make				
5	recommendations on the desired qualifications and training for school personnel providing				
6	health services in schools. The workgroup shall include at least: (i) three local school				
7	division representatives, including one superintendent; (ii) two members of a local school				
8	board; (iii) school personnel providing health services, including contracted personnel				
9	from a local health department, personnel with varying levels of nursing credentials, and				
10	personnel without nursing credentials; and (iv) two members of the Board of Education.				
11	The recommendations shall be submitted to the General Assembly no later than October 1,				
12	2021. Such recommendations shall detail any necessary legislative or budgetary changes				
13	to implement the recommendations.				
14	U. Notwithstanding 8VAC-20-790, the Department of Education shall not set a limit on				
15	the duration of time that families may participate in the Child Care Subsidy Program,				
16	subject to available funds.				
17	138. Not set out.				
18	139. Not set out.				
19	140. Not set out.				
20	141. Not set out.				
21	142. Not set out.				
22	143. Not set out.				
23	143.10 Not set out.				
24	Total for Department of Education, Central Office				
25	Operations.....			\$132,558,786	\$376,619,686
26	General Fund Positions.....	151.00	158.17		
27	Nongeneral Fund Positions.....	185.50	335.83		
28	Position Level.....	336.50	494.00		
29	Fund Sources: General.....	\$75,141,179	\$71,758,582		
30	Special.....	\$5,269,257	\$5,269,257		
31	Commonwealth Transportation.....	\$279,612	\$279,612		
32	Trust and Agency.....	\$679,678	\$1,898,520		
33	Federal Trust.....	\$51,189,060	\$297,413,715		
34	Direct Aid to Public Education (197)				
35	144. Financial Assistance for Educational, Cultural,				
36	Community, and Artistic Affairs (14300).....			\$39,672,445	\$45,219,426
37					\$45,276,402
38	Financial Assistance for Supplemental Education				
39	(14304).....	\$39,672,445	\$45,219,426		
40			\$45,276,402		
41	Fund Sources: General.....	\$39,672,445	\$45,219,426		
42			\$45,276,402		
43	Authority: Discretionary Inclusion.				
44	Appropriation Detail of Educational, Cultural, Community, and Artistic Affairs				
45	(14300)				

ITEM 144.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Supplemental Education Assistance		FY 2021		FY 2022
2	Programs (14304)				
3	Achievable Dream	\$500,000			\$500,000
4	Active Learning Grants		\$0		\$250,000
5	American Civil War Museum	\$1,000,000			\$0
6	Black History Museum and Cultural	\$1,300,000			\$0
7	Center of Virginia				
8	Blue Ridge PBS	\$350,000			\$350,000
9	Career and Technical Education Regional	\$660,000			\$660,000
10	Centers				
11	Career and Technical Education Resource	\$298,021			\$298,021
12	Center				
13	Career and Technical Education Student		\$0		\$718,957
14	Organizations				
15	Career Council at Northern Neck Career	\$60,300			\$60,300
16	& Technical Center				
17	College Partnership Laboratory School	\$50,000			\$50,000
18	Communities in Schools (CIS)	\$1,244,400			\$1,244,400
19	Computer Science Teacher Training	\$550,000			\$550,000
20	Dual Enrollment Passport Pilots		\$0		\$250,000
21	Early Childhood Educator Incentive	\$3,000,000			\$5,000,000
22	eMediaVA		\$0		\$1,000,000
23	Emil and Grace Shihadeh Innovation	\$250,000			\$0
24	Center				
25	Great Aspirations Scholarship Program	\$500,000			\$500,000
26	(GRASP)				
27	Jobs for Virginia Graduates (JVG)	\$2,243,776			\$2,243,776
28	Literacy Lab - VPI Minority Educator		\$0		\$300,000
29	Fellowship				
30	National Board Certification Program	\$5,072,500			\$4,975,524
31					\$5,032,500
32	Newport News Aviation Academy -	\$100,000			\$0
33	STEM Program				
34	Petersburg Executive Leadership	\$350,000			\$350,000
35	Recruitment Incentives				
36	Positive Behavioral Interventions &	\$1,598,000			\$1,598,000
37	Support (PBIS)				
38	Power Scholars Academy - YMCA BELL	\$550,000			\$1,000,000
39	Praxis and Virginia Communication and	\$50,000			\$50,000
40	Literacy Assessment Assistance for				
41	Provisionally Licensed Minority Teachers				
42	Project Discovery	\$962,500			\$962,500
43	School Program Innovation	\$500,000			\$500,000
44	Small School Division Assistance	\$145,896			\$145,896
45	Southside Virginia Regional Technology	\$108,905			\$108,905
46	Consortium				
47	Southwest Virginia Public Education	\$124,011			\$124,011
48	Consortium				
49	STEM Program / Research Study (VA	\$681,975			\$681,975
50	Air & Space Center)				
51	STEM Competition Team Grants	\$200,000			\$200,000
52	Targeted Extended/Enriched School Year	\$7,763,312			\$7,763,312
53	and Year-round School Grants				
54	Teach for America	\$500,000			\$500,000

ITEM 144.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Teacher Improvement Funding Initiative		\$15,000		\$15,000
2	Teacher Recruitment & Retention Grant		\$2,181,000		\$2,181,000
3	Programs				
4	Teacher Residency Program		\$1,750,000		\$1,750,000
5	Van Gogh Outreach Program		\$71,849		\$71,849
6	Virginia Early Childhood Foundation		\$2,750,000		\$6,250,000
7	(VECF)				
8	Virginia Reading Corps		\$600,000		\$600,000
9	Virginia Student Training and		\$300,000		\$300,000
10	Refurbishment (VA STAR) Program				
11	Vision Screening Grants		\$391,000		\$391,000
12	Vocational Lab Pilot		\$175,000		\$0
13	Wolf Trap Model STEM Program		\$725,000		\$725,000
14	Total		\$39,672,445		\$45,219,426
15					\$45,276,402
16	A. Out of this appropriation, the Department of Education shall provide \$2,243,776 the				
17	first year and \$2,243,776 the second year from the general fund for the Jobs for Virginia				
18	Graduates initiative.				
19	B. Out of this appropriation, the Department of Education shall provide \$124,011 the first				
20	year and \$124,011 the second year from the general fund for the Southwest Virginia				
21	Public Education Consortium at the University of Virginia's College at Wise. An				
22	additional \$71,849 the first year and \$71,849 the second year from the general fund is				
23	provided to the Consortium to continue the Van Gogh Outreach program with Lee and				
24	Wise County Public Schools and expand the program to the twelve school divisions in				
25	Southwest Virginia.				
26	C. This appropriation includes \$108,905 the first year and \$108,905 the second year from				
27	the general fund for the Southside Virginia Regional Technology Consortium to expand				
28	the research and development phase of a technology linkage.				
29	D. An additional state payment of \$145,896 the first year and \$145,896 the second year				
30	from the general fund is provided as a Small School Division Assistance grant for the City				
31	of Norton. To receive these funds, the local school board shall certify to the				
32	Superintendent of Public Instruction that its division has entered into one or more				
33	educational, administrative or support service cost-sharing arrangements with another				
34	local school division.				
35	E. Out of this appropriation, \$298,021 the first year and \$298,021 the second year from				
36	the general fund shall be allocated for the Career and Technical Education Resource				
37	Center to provide vocational curriculum and resource instructional materials free of charge				
38	to all school divisions.				
39	F. It is the intent of the General Assembly that the Department of Education provide				
40	bonuses from state funds to classroom teachers in Virginia's public schools who hold				
41	certification from the National Board of Professional Teaching Standards. Such bonuses				
42	shall be \$5,000 the first year of the certificate and \$2,500 annually thereafter for the life of				
43	the certificate. This appropriation includes an amount estimated at \$5,072,500 the first				
44	year and \$4,975,524 \$5,032,500 the second year from the general fund for the purpose of				
45	paying these bonuses. By October 15 of each year, school divisions shall notify the				
46	Department of Education of the number of classroom teachers under contract for that				
47	school year that hold such certification.				
48	G. This appropriation includes \$2,181,000 the first year and \$2,181,000 the second year				
49	from the general fund for grants, scholarships, and incentive payments to attract, recruit,				
50	and retain high-quality teachers and fill critical teacher shortage disciplines in Virginia's				
51	public schools.				
52	1. Out of this appropriation, \$708,000 the first year and \$708,000 the second year from the				
53	general fund is provided for teaching scholarship loans. These scholarships shall be for				

ITEM 144.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	undergraduate students in college with a cumulative grade point average of at least 2.7 on a				
2	4.0 scale or its equivalent, who are nominated by their Virginia regionally accredited college				
3	or university, and who meet the criteria and qualifications, pursuant to § 22.1-290.01, Code of				
4	Virginia, except as provided herein. Awards shall be made to students who are enrolled full-				
5	time or part-time in approved undergraduate or graduate teacher education programs for the				
6	top ten critical teacher shortage disciplines, however minority students may be enrolled in any				
7	content area for teacher preparation. Upon program completion, scholarship recipients may				
8	fulfill the scholarship loan obligation by teaching in the public schools of the Commonwealth				
9	in the first full academic year after becoming eligible for a renewable teaching license in the				
10	appropriate endorsement area and teaching for at least two years in a school division (i) in one				
11	of the critical teacher shortage disciplines as established by the Board of Education; or (ii) in a				
12	Virginia public school with 50 percent or more of the students eligible for free or reduced				
13	price lunch; or (iii) in a school division designated critical shortage subject area, as defined in				
14	the Board of Education's Regulations Governing the Determination of Critical Teacher				
15	Shortage Areas. Scholarship recipients who only complete one year of the teaching obligation				
16	shall be forgiven for one-half of the scholarship loan amount. Scholarship amounts are based				
17	on up to \$10,000 per year for full-time students, and shall be prorated for part-time students				
18	based on the number of credit hours. The Department of Education shall report annually on				
19	the critical shortage teaching areas in Virginia.				
20	a. The Department of Education shall make payments on behalf of the scholarship recipients				
21	directly to the Virginia institution of higher education where the scholarship recipient is				
22	enrolled full-time or part-time in an approved undergraduate or graduate teacher education				
23	program.				
24	b. The Department of Education is authorized to recover total funds awarded as scholarships,				
25	or the appropriate portion thereof, in the event that scholarship recipients fail to honor the				
26	stipulated teaching obligation.				
27	c. Within the fiscal year, any funds not awarded from this program may be applied toward the				
28	other teacher preparation, recruitment, and retention programs under paragraph G.				
29	2. Out of this appropriation, \$808,000 the first year and \$808,000 the second year from the				
30	general fund is provided to attract, recruit, and retain high-quality diverse individuals to teach				
31	science, technology, engineering, or mathematics (STEM) subjects in Virginia's middle and				
32	high schools experiencing difficulty in recruiting qualified teachers. Eligible teachers must (i)				
33	be employed full-time in a Virginia school division or school with more than 40 percent of the				
34	students eligible for free or reduced price lunch; (ii) be entering their first, second, or third				
35	year of teaching experience; and (iii) hold a five- or ten-year valid Virginia teaching license				
36	with an endorsement in Middle Education 6-8: Mathematics, Mathematics-Algebra-I,				
37	Mathematics, Middle Education 6-8: Science, Biology, Chemistry, Earth and Space Science,				
38	Physics, Engineering, or Technology Education and be assigned to a teaching position in a				
39	corresponding STEM subject area. Selected eligible teachers will receive a \$5,000 incentive				
40	award after the completion of each year of full-time teaching experience, up to three				
41	consecutive years under the grant, in an eligible school division or school with a satisfactory				
42	performance evaluation and a written commitment to return in the same school division for				
43	the following school year. The maximum incentive award for each eligible teacher is \$15,000.				
44	Eligibility for these incentives shall be determined through an application process whereby				
45	school divisions shall apply to the Department of Education. Priority for distribution of these				
46	incentives shall be to school divisions experiencing the most acute difficulties in recruiting				
47	qualified teachers, as determined using Department of Education criteria. For the purpose of				
48	the award of the additional \$1,000 to individuals who received funds under this program prior				
49	to July 1, 2018, the criteria provided in Chapter 1, 2018 Acts of Assembly, Special Session I,				
50	shall continue to apply through fiscal year 2021. For individuals who received funds under				
51	this program prior to July 1, 2020, the criteria provided in Chapter 854, 2019 Acts of				
52	Assembly, shall continue to apply. Within the fiscal year, any funds not awarded from this				
53	program may be applied toward the other teacher preparation, recruitment, and retention				
54	programs under paragraph G.				
55	3. Out of this appropriation, \$415,000 the first year and \$415,000 the second year from the				
56	general fund is provided to help school divisions recruit and retain qualified middle-school				
57	mathematics teachers. Within the fiscal year, any funds not awarded from this program may				
58	be applied toward the other teacher preparation, recruitment, and retention programs under				

ITEM 144.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	paragraph G.				
2	4. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the				
3	general fund is provided for tuition scholarships to be specifically allocated solely for				
4	licensed public high school teachers pursuing additional credentialing requirements				
5	necessary to be considered faculty who are qualified to teach dual enrollment courses in				
6	high schools in their local school division. The Department of Education shall make				
7	payments on behalf of the scholarship recipients directly to the regionally accredited				
8	Virginia institution of higher education where the scholarship recipient is enrolled in				
9	courses for credit applicable to dual enrollment course curriculum available for public				
10	high school students. The lifetime maximum dual enrollment tuition scholarship award for				
11	each approved eligible teacher is \$7,500. Eligibility for access to these dual enrollment				
12	tuition scholarship awards shall be determined through an application process whereby				
13	school divisions shall apply to the Department of Education. In the application process,				
14	the applying school division shall include: i) an explanation of why such dual enrollment				
15	tuition scholarship is warranted, ii) the dual enrollment course or courses that shall be				
16	offered by the scholarship recipient's high school and taught by the recipient upon the				
17	recipient's successful completion of required coursework for appropriate credentialing to				
18	teach such dual enrollment courses, and iii) the projected student enrollment in the				
19	recipient taught public high school dual enrollment courses. The Department of Education				
20	shall compile and report the application information for each applying school division, and				
21	shall also report the number of recipients and amount of tuition awarded to each school				
22	division, the institution of higher education receiving tuition, the credentialing area				
23	pursued by recipients, and dual enrollment courses offered after the recipient's successful				
24	completion of the pursued credentialing. The Department shall submit the report by June				
25	30, 2020, and annually thereafter, to the House Committees on Education and				
26	Appropriations and the Senate Committees on Finance and Education and Health.				
27	H. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from				
28	the general fund shall be distributed to the Great Aspirations Scholarship Program				
29	(GRASP) to provide students and families in need access to financial aid, scholarships,				
30	and counseling to maximize educational opportunities for students.				
31	I. Out of this appropriation, the Department of Education shall provide \$1,244,400 the first				
32	year and \$1,244,400 the second year from the general fund to Communities in Schools.				
33	These funds shall be used to strengthen and sustain existing programming in Hampton				
34	Roads, Northern Virginia, Petersburg, Richmond City, and Southwest Virginia and to				
35	expand programming to new schools. Further, Communities in Schools is directed to				
36	assist the Community School organization with developing opportunities to establish a				
37	Community School program in interested school divisions.				
38	J. Out of this appropriation, the Department of Education shall provide \$962,500 the first				
39	year and \$962,500 the second year from the general fund for Project Discovery. These				
40	funds are towards the cost of the program in Abingdon, Accomack/Northampton,				
41	Alexandria, Amherst, Appomattox, Arlington, Bedford, Bland, Campbell, Charlottesville,				
42	Cumberland, Danville/Pittsylvania, Fairfax, Franklin/Patrick,				
43	Fredericksburg/Spotsylvania, Goochland/Powhatan, Lynchburg, Newport News, Norfolk,				
44	Richmond City, Roanoke City, Smyth, Surry/Sussex, Tazewell, Williamsburg/James City,				
45	and Wythe and the salary of a fiscal officer for Project Discovery. The Department of				
46	Education shall administer the Project Discovery funding distributions to each community				
47	action agency. Distributions to each community action agency shall be based on				
48	performance measures established by the Board of Directors of Project Discovery. The				
49	contract with Project Discovery should specify the allocations to each local program and				
50	require the submission of a financial and budget report and program evaluation				
51	performance measures.				
52	2. Each participating community action agency shall submit annual performance metrics				
53	for services provided through the Project Discovery program that provide measurable				
54	evaluations and outcomes of participating students. Such performance metrics shall				
55	include evidenced-based data that effectively measure academic improvement outcomes.				
56	In addition, the performance metrics shall also include evidenced-based data to evaluate				
57	the specific effectiveness of the program for participating students on a longitudinal basis.				
58	Further, the performance metrics shall include the coordination and collaboration efforts				

ITEM 144.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	the program staff regularly have with the school-based personnel, such as teachers and				
2	guidance counselors, that support and maximize opportunities of participating students to				
3	successfully graduate from high school and then to enroll and graduate from an institution of				
4	higher learning. Project Discovery shall submit a comprehensive and cumulative program				
5	performance metrics evaluation to the Department of Education no later than October 1 each				
6	year.				
7	K. Out of this appropriation, the Department of Education shall provide \$300,000 the first				
8	year and \$300,000 the second year from the general fund for the Virginia Student Training				
9	and Refurbishment Program.				
10	L. Out of this appropriation, \$1,598,000 the first year and \$1,598,000 the second year from				
11	the general fund is provided to expand the number of schools implementing a system of				
12	positive behavioral interventions and supports with the goal of improving school climate and				
13	reducing disruptive behavior in the classroom. Such a system may be implemented as part of				
14	a tiered system of supports that utilizes evidence-based, system-wide practices to provide a				
15	response to academic and behavioral needs. Any school division which desires to apply for				
16	this competitive grant must submit a proposal to the Department of Education by June 1				
17	preceding the school-year in which the program is to be implemented. The proposal must				
18	define student outcome objectives including, but not limited to, reductions in disciplinary				
19	referrals and out-of-school suspension rates. In making the competitive grant awards, the				
20	Department of Education shall give priority to school divisions proposing to serve schools				
21	identified by the Department as having high suspension rates. No funds awarded to a school				
22	division under this grant may be used to supplant funding for schools already implementing				
23	the program.				
24	M. Targeted Extended/Enriched School Year and Year-round School Grants Payments				
25	1. Out of this appropriation, \$7,150,000 the first year and \$7,150,000 the second year from the				
26	general fund is provided for a targeted extended/enriched school year or year-round school				
27	incentive in order to improve student achievement. Annual start-up grants of up to \$300,000				
28	per school may be awarded for a period of up to two years after the initial implementation				
29	year. The per school amount may be up to \$400,000 in the case of schools that have an				
30	Accredited with Conditions status and are rated at Level Three in two or more Academic				
31	Achievement for All Students school quality indicators, or schools that had an Accredited				
32	with Conditions status and were rated at Level Three in two or more Academic Achievement				
33	for All Students school quality indicators when the initial application was made. Schools that				
34	qualified for the per school grant up to \$400,000 under the previous Standards of				
35	Accreditation Denied Accreditation status remain eligible for funding for the initial three year				
36	period; after that period, such schools are subject to eligibility under the current Standards of				
37	Accreditation. After the third consecutive year of successful participation, an eligible school's				
38	grant amount shall be based on a shared split of the grant between the state and participating				
39	school division's local composite index. Such continuing schools shall remain eligible to				
40	receive a grant based on the 2012 JLARC Review of Year Round Schools' researched base				
41	findings.				
42	2. Except for school divisions with schools that are in an Accredited with Conditions status				
43	and are rated at Level Three in two or more Academic Achievement for All Students school				
44	quality indicators or in a Denied Accreditation status, any other school division applying for				
45	such a grant shall be required to provide a twenty percent local match to the grant amount				
46	received from either an extended/enriched school year or year-round school start-up or				
47	planning grant.				
48	3. In the case of any school division with schools that are in an Accredited with Conditions				
49	status and are rated at Level Three in two or more Academic Achievement for All Students				
50	school quality indicators or in a Denied Accreditation status that apply for funds, the school				
51	division shall also consult with the Superintendent of Public Instruction or designee on all				
52	recommendations regarding instructional programs or instructional personnel prior to				
53	submission to the local board for approval.				
54	4. Out of this appropriation, \$613,312 the first year and \$613,312 the second year from the				
55	general fund is provided for planning grants of no more than \$50,000 each for local school				
56	divisions pursuing the creation of new extended/enriched school year or year-round school				
57	programs for divisions or individual schools in support of the findings from the 2012 JLARC				

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1	Review of Year Round Schools. School divisions must submit applications to the				
2	Department of Education by August 1 of each year. Priority shall be given to schools				
3	based on need, relative to the state accreditation ratings or similar federal designations.				
4	Applications shall include evidence of commitment to pursue implementation in the				
5	upcoming school year. If balances exist, existing extended school year programs may be				
6	eligible to apply for remaining funds.				
7	5. A school division that has been awarded an extended/enriched school year or year-				
8	round school start-up grant or planning grant for the development of an extended/enriched				
9	school year or year-round school program may spend the awarded grant over two				
10	consecutive fiscal years.				
11	6. a) Any such school division receiving funding from a Targeted Extended/Enriched				
12	School Year and Year-round School grant shall provide an annual progress report to the				
13	Department of Education that evaluates end of year success of the extended/enriched				
14	school year or year-round school model implemented as compared to the prior school year				
15	performance as measured by an appropriate evaluation matrix no later than September 1				
16	each year.				
17	b) The Department of Education shall develop such evaluation matrix that would be				
18	appropriate for a comprehensive evaluation for such models implemented. Further, the				
19	Department of Education is directed to submit the annual progress reports from the				
20	participating school divisions and an executive summary of the program's overall status				
21	and levels of measured success to the Chairmen of House Appropriations and Senate				
22	Finance Committees no later than November 1 each year.				
23	7. Any funds remaining in this paragraph following grant awards may be disbursed by the				
24	Department of Education as grants to school divisions to support innovative approaches to				
25	instructional delivery or school governance models.				
26	N. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from				
27	the general fund is provided through grants or contracts for the cost of fees and financial				
28	incentives associated with hiring teachers in challenged schools. These funds may be used				
29	for grants or contracts awarded and expenses associated with supporting the Teach for				
30	America program. School divisions or their partners may apply for those funds through				
31	applications submitted to the Department of Education. Applications must be submitted to				
32	the Department of Education by September 1 each year. Within the fiscal year, any				
33	unobligated balance may be used for the Teacher Residency program.				
34	O. Out of this appropriation, \$725,000 the first year and \$725,000 the second year from				
35	the general fund is provided for the Accomack, Albemarle, Arlington, Chesterfield,				
36	Fairfax, Henrico, Loudoun, Norfolk, Petersburg, Richmond, Suffolk, and Wythe Public				
37	Schools to continue or initiate STEM and early literacy model programs for preschool,				
38	kindergarten, and first grade students. The model will also support growth in the 5C skills				
39	identified in the Profile of a Virginia Graduate. Within this appropriation, funds may				
40	support further expansion in rural divisions from Regions 3, 6, or 8, based on need. Each				
41	developed model will focus on enhancing children's learning experiences through the arts.				
42	P. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the				
43	general fund is provided for the Achievable Dream partnership with Newport News				
44	School Division.				
45	Q. Out of this appropriation, \$1,750,000 the first year and \$1,750,000 the second year				
46	from the general fund is provided for grants for teacher residency partnerships between				
47	university teacher preparation programs and the Petersburg, Norfolk, and Richmond City				
48	school divisions and any other university teacher preparation programs and hard-to-staff				
49	school divisions to help improve new teacher training and retention for hard-to-staff				
50	schools. The grants will support a site-specific residency model program for preparation,				
51	planning, development and implementation, including possible stipends in the program to				
52	attract qualified candidates and mentors. Applications must be submitted to the				
53	Department of Education by August 1 each year.				
54	Partner school divisions shall provide at least one-third of the cost of each program and				
55	shall provide data requested by the university partner in order to evaluate program				

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1	effectiveness by the mutually agreed upon timelines. Each university partner shall report				
2	annually, no later than June 30, to the Department of Education on available outcome				
3	measures, including student performance indicators, as well as additional data needs requested				
4	by the Department of Education. The Department of Education shall provide, directly to the				
5	university partners, relevant longitudinal data that may be shared. The Department of				
6	Education shall consolidate all submissions from the participating university partners and				
7	school divisions and submit such consolidated annual report to the Chairmen of the House				
8	Appropriations and Senate Finance Committees no later than November 1 each year.				
9	R. Out of this appropriation, \$60,300 the first year and \$60,300 the second year from the				
10	general fund is provided to the Northern Neck Regional Technical Center to expand the				
11	workforce readiness education and industry based skills and certification development efforts				
12	supporting that region in the state. These funds support the Center's programs that serve high				
13	school students from the surrounding counties of Essex, Lancaster, Northumberland,				
14	Rappahannock, Westmoreland and Colonial Beach.				
15	S. Out of this appropriation, \$2,750,000 the first year and \$6,250,000 the second year from				
16	the general fund is provided to the Virginia Early Childhood Foundation.				
17	1. Of this amount, \$250,000 the first year and \$250,000 the second year is provided for				
18	general operations of the Foundation's grant program to strengthen the capacity of local				
19	communities to promote school readiness for young children through innovative regional				
20	partnerships.				
21	2. Of this amount, \$1,000,000 the first year and \$1,000,000 the second year is provided to				
22	operate a scholarship program to increase the skills of Virginia's early education workforce.				
23	3. Of this amount, \$1,500,000 the first year and \$5,000,000 the second year from the general				
24	fund is provided for a pilot initiative to support public-private delivery of pre-kindergarten				
25	services for at least 500 at-risk three- and four-year-old children each year. Programs must				
26	provide full-day or half-day and, at least, school-year services.				
27	a) The Department of Education shall establish academic standards that are in accordance				
28	with appropriate preparation for students to be ready to successfully enter kindergarten. These				
29	standards shall be established in such a manner as to be measurable for student achievement				
30	and success. Students shall be required to be evaluated in the fall and in the spring by each				
31	participating provider and grantees must certify that the Virginia Preschool Initiative				
32	standards are followed in order to receive the funding for quality preschool education and				
33	criteria for the service components. Such standards shall align with the Virginia Standards of				
34	Learning for Kindergarten.				
35	b) The Department of Education shall require and ensure that all participating classrooms				
36	have the quality of their teacher-child interactions assessed through a rigorous and research-				
37	-based observation instrument at least once every two years.				
38	c) Any locality that desires to participate in this grant program must submit a proposal each				
39	year to the Virginia Early Childhood Foundation. For the first year, the application must be				
40	submitted by August 15. For subsequent years, the application must be submitted by May 15				
41	to align with the Virginia Preschool Initiative timeline. Each application shall identify a lead				
42	agency for this program within the locality. The lead agency shall be responsible for				
43	developing a local plan for the delivery of quality preschool services to at-risk three- and four-				
44	-year-old children in private settings that demonstrates the coordination of resources and the				
45	combination of funding streams in an effort to serve the greatest number of at-risk children.				
46	d) The proposal must demonstrate: (i) coordination with all parties necessary for the				
47	successful delivery of comprehensive services, including schools, child care providers, local				
48	social services agencies, Head Start, local health departments, and other groups identified by				
49	the lead agency, (ii) a plan for supporting inclusive practices for children with identified				
50	special needs, and (iii) a plan to transition the pilot into a sustainable program that is				
51	supported with a similar level of state support as Virginia Preschool Initiative slots.				
52	e) Local plans must indicate the number of at-risk three- and four-year-old children to be				
53	served, and the eligibility criteria for participation in this program shall be consistent with the				
54	economic and educational risk factors stated in the current program guidelines that are				

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1	specific to: (i) family income at or below 200 percent of federal poverty guidelines, (ii)				
2	homelessness, (iii) student's parents or guardians are school dropouts, or (iv) family				
3	income is above 200 percent but at or below 350 percent of federal poverty guidelines in				
4	the case of students with special needs or disabilities. Up to 15 percent of slots may be				
5	filled based on locally established eligibility criteria so as to meet the unique needs of at-				
6	risk children in the community.				
7	f) Notwithstanding any provisions of § 22.1-299, Code of Virginia, and in order to achieve				
8	the priorities of the Joint Subcommittee on Early Childhood Care and Education for				
9	exploring the feasibility of and barriers to mixed delivery preschool systems in Virginia,				
10	recipients of a Mixed-Delivery Preschool grant shall be provided maximum flexibility				
11	within their respective pilot initiative in order to fully implement the associated goals and				
12	objectives of the pilot. Recipients of a Mixed-Delivery Preschool grant and divisions				
13	participating in such grant pilot activities shall be exempted from all regulatory and				
14	statutory provisions related to teacher licensure requirements and qualifications when paid				
15	by public funds within the confines of the Mixed-Delivery Preschool pilot initiative.				
16	g) Children served by the pilots shall be assigned student identification numbers as				
17	provided in § 22.1-287.03 B of the Code of Virginia to evaluate pilot program outcomes				
18	and to permit comparison with Virginia Preschool Initiative outcomes.				
19	h) Pilot providers shall provide information to the Department of Education as necessary				
20	to fulfill the reporting requirement established.				
21	T. This appropriation includes \$500,000 the first year and \$500,000 the second year from				
22	the general fund to support ten competitive grants, not to exceed \$50,000 each, for				
23	planning the implementation of systemic Elementary, Middle, and/or High School				
24	Program Innovation by either individual school divisions or consortia of school divisions				
25	or implementing a plan for public pre-kindergarten through Grade 12 School Program				
26	Innovation previously approved by the Department of Education. The local applicant(s)				
27	selected to conduct this systemic approach to school reform, in consultation with the				
28	Department of Education, will develop and plan or implement innovative approaches to				
29	engage and to motivate students through personalized learning and instruction leading to				
30	demonstrated mastery of content, as well as skills development of career readiness.				
31	Essential elements of school innovation include: (1) student centered learning, with				
32	progress based on student demonstrated proficiency; (2) 'real-world' connections that				
33	promote alignment with community work-force needs and emphasize transition to college				
34	and/or career; and (3) varying models for educator supports and staffing. Individual school				
35	divisions or consortia will be invited to apply on a competitive basis by submitting a grant				
36	application that includes descriptions of key elements of innovations, a detailed budget,				
37	expectations for outcomes and student achievement benefits, evaluation methods, and				
38	plans for sustainability. The Department of Education will make the final determination of				
39	which individual school divisions or consortia of divisions will receive the year-long				
40	planning grant for public pre-kindergarten through Grade 12 School Innovation or a grant				
41	to implement an Elementary, Middle, and/or High School Program Innovation plan				
42	previously approved by the Department of Education. Any school division or consortium				
43	of divisions which desires to apply for this competitive grant must submit a proposal to the				
44	Department of Education by June 1 preceding the school year in which the planning or				
45	implementation for systemic school innovation is to take place.				
46	U. Out of this appropriation, \$100,000 the first year from the general fund is provided to				
47	support the Newport News Aviation Academy's four-year high school STEM program,				
48	which focuses on piloting, aircraft maintenance, engineering, computers, and electronics.				
49	V. Out of this appropriation, \$15,000 the first year and \$15,000 the second year is				
50	provided for grants to school divisions of up to \$5,000 each to explore alternative teacher				
51	compensation approaches that move away from tenure-based step increases toward				
52	compensation systems based on teacher performance and student progress. Priority will be				
53	given to school divisions that have not previously explored alternative compensation				
54	approaches and have schools not achieving full accreditation, or that have high numbers of				
55	at-risk students needing qualified teachers in hard-to-staff subjects.				
56	W. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from				
57	the general fund is provided for STEM Competition Team Grants. Notwithstanding §				

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1	22.1-362, Code of Virginia, Paragraph B, grants may not exceed \$5,000 each.				
2	X. Out of this appropriation, \$681,975 the first year and \$681,975 the second year from the				
3	general fund is provided to support a multi-platform STEM education engagement program				
4	and research study, via the Virginia Air & Space Center.				
5	Y. Out of this appropriation, \$350,000 the first year and \$350,000 the second year from the				
6	general fund is provided for executive leadership incentives in the Petersburg City Public				
7	Schools to strengthen the impact of division and school level executive leadership on student				
8	achievement in the school division. Such incentives may include, but not be limited to,				
9	supplements to locally funded salaries, deferred salary compensation, bonuses, housing and				
10	commuting supplements, and professional development supplements. The Department of				
11	Education shall provide such executive management incentive payments directly to the				
12	Petersburg City Public Schools accounts pursuant to a Memorandum of Understanding				
13	entered into between the Board of Education and the Petersburg City School Board, which				
14	shall cover no less than both years of the biennium and may be amended with the consent of				
15	both parties. Such Agreement shall include operational and student achievement metrics and				
16	include provisions for the achievement of such metrics as a condition of payment of the				
17	incentive funds by the Department of Education. The Department of Education shall provide				
18	updates on the Agreement to the Chairmen of the Senate Finance and House Appropriations				
19	Committees.				
20	Z. Out of this amount, \$600,000 the first year and \$600,000 the second year from the general				
21	fund shall be reserved for school divisions to partner with the Virginia Reading Corps				
22	program. The implementation partner shall determine and select partner school divisions. The				
23	Virginia Reading Corps shall report annually to the school divisions and Department of				
24	Education on the outcomes of this program.				
25	AA. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the				
26	general fund is provided for Chesterfield County Public Schools to partner and plan with				
27	Virginia State University for the continued development of a College Partnership Laboratory				
28	School in support of Ettrick Elementary School.				
29	BB. Out of this appropriation, \$175,000 the first year from the general fund is provided to				
30	establish a Career and Technical Education Vocational Laboratory pilot that will be located				
31	within the Virginia Aviation Academy located in the Newport News school division. This				
32	vocational-based lab will be developed and focused on advanced, augmented and virtual				
33	reality related education.				
34	CC. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the				
35	general fund is provided for praxis assistance and Virginia Communication and Literacy				
36	Assessment assistance for provisionally licensed minority teachers seeking full licensure in				
37	Virginia. Grants of up to \$10,000 shall be awarded to school divisions, teacher preparation				
38	programs, or nonprofit organizations in all regions of the state to subsidize test fees and the				
39	cost of tutoring for provisionally licensed minority teachers seeking full licensure in Virginia.				
40	DD. Out of this appropriation, \$391,000 the first year and \$391,000 the second year from the				
41	general fund is provided to school divisions to pay for a portion of the vision screening of				
42	students in kindergarten, grade two or three and grades seven and ten, pursuant to Chapter				
43	312, 2017 Session Acts of Assembly. Eligible school divisions may receive the state's share of				
44	\$7.00 for each student reported in average daily membership and enrolled in kindergarten,				
45	grades three, seven and ten and who has received such vision screening test. The Department				
46	of Education shall administrator and distribute reimbursements to school divisions and the				
47	funding shall be prorated if needed, such that the appropriation is not exceeded. Prioritization				
48	shall be given the schools that would most benefit from state assistance in order to provide				
49	such vision screening service to students that are eligible for free lunch.				
50	EE. Out of this appropriation, \$660,000 the first year and \$660,000 the second year from the				
51	general fund is provided for annual grants of \$60,000 to each of the nine regional career and				
52	technical centers, Winchester Public Schools' Innovation Center and Norfolk Public Schools'				
53	Norfolk Technical Center, to expand workforce readiness education and industry based skills.				
54	FF. 1. Out of this appropriation, \$550,000 the first year and \$550,000 the second year from				
55	the general fund is provided to CodeVA for the development, marketing, and implementation				

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1	of high-quality and effective computer science training and professional development				
2	activities for public school teachers throughout the Commonwealth for the purpose of				
3	improving the computer science literacy of all public school students in the				
4	Commonwealth using the Computer Science Standards of Learning For Virginia Public				
5	Schools, which were reviewed and endorsed by the Virginia Board of Education in				
6	November 2017. The provided funds may be utilized for planning, preparing and materials				
7	needed for teacher training sessions provided during the biennium.				
8	2. CodeVA shall report, no later than October 1, each year to the Chairmen of the House				
9	Education and Senate Education & Health Committees, Secretary of Education and the				
10	Superintendent of Public Instruction on its activities in the previous year to support				
11	computer science teacher training and curriculum development, including on collaboration				
12	with other stakeholders to avoid duplication of efforts.				
13	GG. Out of this appropriation, \$1,000,000 the first year from the general fund is provided				
14	to the American Civil War Museum to support the advancement of experiential learning				
15	opportunities for K-12 students. These funds are intended to support high-quality, off-site				
16	learning experiences for students to engage in educational content, aligned to Virginia's				
17	Standards of Learning, related to the history of the American Civil War.				
18	HH. Out of this appropriation, \$1,300,000 the first year from the general fund is provided				
19	to the Black History Museum and Cultural Center of Virginia to support the advancement				
20	of experiential learning opportunities for K-12 students. These funds are intended to				
21	support high-quality, off-site learning experiences and traveling exhibitions for students to				
22	engage in educational content, aligned to Virginia's Standards of Learning, related to				
23	African American History.				
24	JJ. To strengthen quality and reduce turnover in hard-to-serve preschool classrooms,				
25	\$3,000,000 the first year and \$5,000,000 the second year from the general fund shall be				
26	used to supplement the Early Childhood Educator Incentive created through the Preschool				
27	Development Grant Birth to Five. The Virginia Department of Education shall set the				
28	specific guidelines for the program and funds.				
29	KK. Out of this appropriation, \$250,000 thesecond year from the general fund shall be				
30	provided for grants to school divisionsfor encouraging active-in class, remote and hybrid				
31	learning for students in pre-kindergarten through the second grade. School divisions				
32	seeking to apply for this grant shall submit a proposal to the Department of Education				
33	outlining the intended use of funds and a projected number of students to be served. The				
34	Department shall establish criteria for awarding these funds. The funds may be used to				
35	purchase a platform featuring on-demandactivities that integrate math and English				
36	Standards of Learning content into movement-rich activities that can be used at school,				
37	home and on all devices (i.e. computers, tables and phones).				
38	LL. Out of this appropriation, \$350,000 the first year and \$350,000 the second year from				
39	the general fund is provided to Blue Ridge PBS for educational outreach programming.				
40	PP. Out of this appropriation, \$250,000 the first year from the general fund is provided to				
41	Winchester Public Schools for one-time support for furniture and equipment for the				
42	renovated Emil and Grace Shihadeh Innovation Center.				
43	QQ. Out of this appropriation, \$300,000 the second year from the general fund is provided				
44	for a fellowship program administered by the Literacy Lab to place recent high-school				
45	graduates of a minority background new to the field of education in VPI or Head Start				
46	classrooms of participating local school divisions or community-based early childhood				
47	centers to provide evidence based literacy support to at-risk pre-kindergarten students.				
48	Such a program must provide training, coaching, and professional development to the				
49	fellowship participants, place fellowship participants for at least 800 paid hours within a				
50	pre-kindergarten classroom during a school year, work to diversify the educator pipeline,				
51	and assist fellowship participants in understanding the teacher education and licensure				
52	process in Virginia. Literacy Lab shall partner with school divisions or community-based				
53	early childhood centers in Richmond and Portsmouth. Literacy Lab shall report by August				
54	1, 2022 to the Chairs of the House Education and Senate Education and Health				
55	Committees, Secretary of Education, and the Superintendent of Public Instruction on its				
56	activities to provide training, coaching, and professional development to the fellowship				

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1	participants, including collaboration with school division partners and community-based early				
2	childhood centers, and provide metrics on the success of participants entering the educator				
3	pipeline either through employment or a teacher preparation program.				
4	SS. Out of this appropriation, \$550,000 the first year and \$1,000,000 the second year from the				
5	general fund is provided to support pilot public-private partnerships between local school				
6	divisions and the Greater Richmond and Central Virginia affiliates of the Virginia Alliance of				
7	YMCAs to expand student participation opportunities in existing summer Power Scholars				
8	Academies in such partnered school divisions.				
9	TT. Out of this appropriation, \$718,957 the second year from the general fund is provided to				
10	support Career and Technical Education Student Organizations. These Student Organizations				
11	extend Career and Technical Education in Virginia through networks of programs, business				
12	and community partnerships, and leadership experiences at the school, state, and national				
13	levels and provide Virginia students with opportunities to apply academic, technical, and				
14	employability knowledge and skills necessary in today's workforce.				
15	UU. Out of this appropriation, \$1,000,000 is provided from the general fund in the second				
16	year for the Hampton Roads Education Telecommunications Association's eMediaVA				
17	program for statewide digital content development, online learning, and related support				
18	services. All digital content produced and delivery of online learning shall meet criteria				
19	established by the Department of Education, meet or exceed applicable Standards of				
20	Learning, and be correlated to such state standards. The eMedia VA program shall incorporate				
21	consultation with division superintendents or their designated representatives to assess school				
22	divisions' needs for digital content, online learning, teacher training, and support services that				
23	advance technology integration into the K-12 classroom, as well as for additional educational				
24	resources that may be made available to school divisions throughout the Commonwealth.				
25	VV. Out of this appropriation, \$250,000 the second year from the general fund is provided for				
26	grants to support one-time pilot programs to school divisions to redesign dual enrollment				
27	course offerings to align/link to the Passport and Uniform Certificate of General Studies				
28	offered by Virginia's community colleges. Divisions awarded such grants shall collaborate				
29	with the local community college to effectively redesign the local school division's dual				
30	enrollment course offerings. Divisions applying shall include: (i) an explanation of why such				
31	dual enrollment pilot program is warranted; (ii) the dual enrollment courses currently offered				
32	by the division; (iii) the projected student enrollment in dual enrollment courses; and (iv) the				
33	number of the division's employed staff qualified to teach dual enrollment and the number				
34	currently teaching a dual enrollment course. The Department of Education may consider in				
35	the awarding of a grant: (i) the division's local composite index; (ii) the level of misalignment				
36	in the division's dual enrollment course offerings to the Passport and Uniform Certificate of				
37	General Studies; and (iii) the division's level of dual enrollment course availability and				
38	current student enrollment in those courses. The Department of Education shall report, along				
39	with the divisions and community colleges, the components of the redesign and efforts to				
40	increase availability and participation in dual enrollment courses to the General Assembly by				
41	November 1, 2022. The Department of Education and the Virginia Community College				
42	System shall use these pilot programs to provide a comprehensive guide to every school				
43	division and community college to assist with aligning high school dual enrollment course				
44	offerings to the Passport and Uniform Certificate of General Studies.				
45	145. State Education Assistance Programs (17800).....			\$7,743,770,876	\$8,082,601,961
46					\$8,037,358,288
47	Standards of Quality for Public Education (SOQ)				
48	(17801).....	\$6,485,684,773	\$6,627,363,546		
49			\$6,714,796,913		
50	Financial Incentive Programs for Public Education				
51	(17802).....	\$497,164,169	\$710,320,952		
52			\$427,361,149		
53	Financial Assistance for Categorical Programs				
54	(17803).....	\$52,690,811	\$54,014,129		
55			\$51,838,415		
56	Distribution of Lottery Funds (17805).....	\$708,231,123	\$690,903,334		
57			\$843,361,811		
58	Fund Sources: General.....	\$6,817,944,753	\$7,266,333,627		
59			\$7,135,656,818		

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Special.....	\$895,000	\$895,000		
2	Commonwealth Transportation.....	\$2,100,000	\$1,470,000		
3			\$1,544,659		
4	Trust and Agency.....	\$870,231,123	\$773,903,334		
5			\$859,261,811		
6	Dedicated Special Revenue.....	\$36,000,000	\$40,000,000		
7	Federal Trust.....	\$16,600,000	\$0		
8	Authority: Standards of Quality for Public Education (SOQ) (17801): Article VIII, Section				
9	2, Constitution of Virginia; Chapter 667, Acts of Assembly, 1980; §§ 22.1-176 through				
10	22.1-198 , 22.1-199.1 , 22.1-199.2 , 22.1-213 through 22.1-221 , 22.1-227 through 22.1-237 ,				
11	22.1-253.13:1 through 22.1-253.13:8 , 22.1-254.01 , Code of Virginia; Title 51.1, Chapters				
12	1, 5, 6.2, 7, and 14, Code of Virginia; P.L. 91-230, as amended; P.L. 93-380, as amended;				
13	P.L. 94-142, as amended; P.L. 98-524, as amended, Federal Code.				
14	Financial Incentive Programs for Public Education (17802): §§ 22.1-24 , 22.1-289.1				
15	through 22.1-318 , Code of Virginia; P.L. 79-396, as amended; P.L. 89-10, as amended;				
16	P.L. 89-642, as amended; P.L. 108-265, as amended; Title II P.L. 99-159, as amended,				
17	Federal Code.				
18	Financial Assistance for Categorical Programs (17803): Discretionary Inclusion; Treaty of				
19	1677 between Virginia and the Indians; §§ 22.1-3.4 , 22.1-108 , 22.1-199 through 22.1-				
20	212.2:2 , 22.1-213 through 22.1-221 , 22.1-223 through 22.1-237 , 22.1-254 , Code of				
21	Virginia; P.L. 89-10, as amended; P.L. 91-230, as amended; P.L. 93-380, as amended;				
22	P.L. 94-142, as amended; P.L. 94-588; P.L. 95-561, as amended; P.L. 98-211, as				
23	amended; P.L. 98-524, as amended; P.L. 99-570; P.L. 100-297, as amended; P.L. 102-73,				
24	as amended; P.L. 105-220, as amended, Federal Code.				
25	Distribution of Lottery Funds (17805): §§ 58.1-4022 and 58.1-4022.1 , Code of Virginia				
26	Appropriation Detail of Education				
27	Assistance Programs (17800)				
28	Standards of Quality (17801)	FY 2021		FY 2022	
29	Basic Aid	\$3,467,108,109		\$3,536,922,242	
30				\$3,345,492,183	
31	Sales Tax	\$1,512,500,000		\$1,563,000,000	
32				\$1,847,900,000	
33	Textbooks (<i>split funded</i>)	\$72,851,568		\$73,119,307	
34				\$59,229,949	
35	Vocational Education	\$60,508,948		\$60,443,307	
36				\$60,261,572	
37	Gifted Education	\$36,382,479		\$36,523,788	
38				\$36,249,997	
39	Special Education	\$418,622,981		\$419,818,073	
40				\$415,428,134	
41	Prevention, Intervention, and	\$117,973,133		\$118,181,833	
42	Remediation			\$116,300,292	
43	English as a Second Language	\$74,642,794		\$82,592,805	
44				\$85,457,403	
45	VRS Retirement (includes RHCC)	\$484,558,788		\$489,390,727	
46				\$485,343,662	
47	Social Security	\$207,892,825		\$209,927,966	
48				\$208,192,691	
49	Group Life	\$14,648,748		\$14,858,510	
50				\$14,734,453	
51	Remedial Summer School	\$17,994,400		\$22,584,988	
52				\$40,206,577	
53	Total	\$6,485,684,773		\$6,627,363,546	
54				\$6,714,796,913	

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year	Second Year	First Year	Second Year
		FY2021	FY2022	FY2021	FY2022
1	Incentive Programs (17802)				
2	Compensation Supplement		\$0	\$232,692,010	
3				\$216,063,072	
4	Governor's Schools	\$19,139,086		\$20,266,962	
5				\$19,966,091	
6	At-Risk Add-On (split funded)	\$107,830,098		\$147,939,452	
7				\$0	
8	Clinical Faculty	\$318,750		\$318,750	
9	Career Switcher Mentoring Grants	\$279,983		\$279,983	
10	Special Education - Endorsement	\$437,186		\$437,186	
11	Program				
12	Special Education – Vocational Education	\$200,089		\$200,089	
13	Virginia Workplace Readiness Skills	\$308,655		\$308,655	
14	Assessment				
15	Math/Reading Instructional Specialists	\$1,834,538		\$1,834,538	
16	Initiative				
17	Early Reading Specialists Initiative	\$1,476,790		\$1,476,790	
18	Breakfast After the Bell Incentive	\$1,074,000		\$1,074,000	
19	School Meals Expansion	\$0		\$4,100,000	
20				\$0	
21	Virginia Preschool Initiative - Per Pupil	\$72,405,681		\$107,086,043	
22	Amount			\$85,161,919	
23	Early Childhood Expansion	\$0		\$26,344,868	
24				\$17,792,977	
25	Virginia Preschool Initiative - Provisional	\$306,100		\$306,100	
26	Teacher Licensure				
27	No Loss Funding	\$278,642,957		\$164,335,526	
28				\$80,820,999	
29	Alleghany County - Covington City	\$0		\$1,200,000	
30	School Division Consolidation Incentive				
31	COVID-19 Local Relief Payments	\$12,910,256		\$0	
32	Albuterol and Valved Holding Chambers	\$0		\$120,000	
33	Total	\$497,164,169		\$710,320,952	
34				\$427,361,149	
35	Categorical Programs (17803)				
36	Adult Education	\$1,051,800		\$1,051,800	
37	Adult Literacy	\$2,480,000		\$2,480,000	
38	American Indian Treaty Commitment	\$39,305		\$54,077	
39				\$43,704	
40	School Lunch Program	\$5,801,932		\$5,801,932	
41	Special Education - Homebound	\$3,091,286		\$3,122,201	
42				\$956,860	
43	Special Education - Jails	\$3,635,221		\$3,957,457	
44	Special Education - State Operated	\$36,591,267		\$37,546,662	
45	Programs				
46	Total	\$52,690,811		\$54,014,129	
47				\$51,838,415	
48	Lottery Funded Programs (17805)				
49	At-Risk Add-On (split funded)	\$69,256,566		\$85,024,872	
50				\$228,479,142	

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Foster Care	\$13,083,167		\$11,528,816	
2				\$12,926,842	
3	Special Education - Regional Tuition	\$98,152,929		\$101,152,929	
4				\$76,776,448	
5	Early Reading Intervention	\$27,103,087		\$27,192,313	
6				\$48,725,840	
7	Mentor Teacher	\$1,000,000		\$1,000,000	
8	K-3 Primary Class Size Reduction	\$129,176,942		\$132,995,629	
9				\$130,657,337	
10	School Breakfast Program	\$1,437,082		\$7,920,136	
11				\$7,816,525	
12	SOL Algebra Readiness	\$15,213,962		\$15,248,151	
13				\$14,825,335	
14	Infrastructure and Operations Per Pupil	\$283,292,382		\$276,361,275	
15	Funds				
16	Regional Alternative Education	\$9,206,220		\$9,870,797	
17				\$9,849,223	
18	Individualized Student Alternative	\$2,247,581		\$2,247,581	
19	Education Program (ISAP)				
20	Career and Technical Education –	\$12,400,829		\$11,681,872	
21	Categorical				
22	Project Graduation	\$1,387,240		\$1,387,240	
23	Race to GED (NCLB/EFAL)	\$2,410,988		\$2,410,988	
24	Path to Industry Certification	\$1,831,464		\$1,831,464	
25	(NCLB/EFAL)				
26	Supplemental Basic Aid	\$1,030,714		\$1,049,271	
27				\$1,032,632	
28	Supplemental Support for Accomack &		\$0	\$2,000,000	
29	Northampton				
30	Learning Loss Instructional Supports	\$39,999,970		\$0	
31	<i>Textbooks (split funded)</i>		\$0	\$13,352,067	
32	Total	\$708,231,123		\$690,903,334	
33				\$843,361,811	
34	Technology – VPSA	\$56,085,200		\$57,308,800	
35				\$56,110,800	
36	Security Equipment - VPSA	\$12,000,000		\$12,000,000	
37	Payments out of the above amounts shall be subject to the following conditions:				
38	A. Definitions				
39	1. "March 31 Average Daily Membership," or "March 31 ADM" - The responsible school				
40	division's average daily membership for grades K-12 including (1) handicapped students				
41	ages 5-21 and (2) students for whom English is a second language who entered school for				
42	the first time after reaching their twelfth birthday, and who have not reached twenty-two				
43	years of age on or before August 1 of the school year, for the first seven (7) months (or				
44	equivalent period) of the school year through March 31 in which state funds are				
45	distributed from this appropriation. Preschool and postgraduate students shall not be				
46	included in March 31 ADM.				
47	a. School divisions shall take a count of September 30 fall membership and report this				
48	information to the Department of Education no later than October 15 of each year.				
49	b. Except as otherwise provided herein, by statute, or by precedent, all appropriations to				
50	the Department of Education shall be calculated using March 31 ADM unadjusted for				
51	half-day kindergarten programs, estimated at 1,213,092.90 the first year and 1,218,331.05				
52	1,207,139.15 the second year. March 31 ADM for half-day kindergarten shall be adjusted				

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	at 85 percent.				
2	c. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction				
3	pursuant to § 22.1-254.1 and who are enrolled in a public school on less than a full-time basis				
4	in any mathematics, science, English, history, social science, vocational education, health				
5	education or physical education, fine arts or foreign language course, or receiving special				
6	education services required by a student's individualized education plan, shall be counted in				
7	the funded fall membership and March 31 ADM of the responsible school division. Each				
8	course shall be counted as 0.25, up to a cap of 0.5 of a student.				
9	d. Students enrolled in an Individualized Student Alternative Education Program (ISAEP)				
10	pursuant to § 22.1-254 E shall be counted in the March 31 Average Daily Membership of the				
11	responsible school division. School divisions shall report these students separately in their				
12	March 31 reports of Average Daily Membership.				
13	2. "Standards of Quality" - Operations standards for grades kindergarten through 12 as				
14	prescribed by the Board of Education subject to revision by the General Assembly.				
15	3.a. "Basic Operation Cost" - The cost per pupil, including provision for the number of				
16	instructional personnel required by the Standards of Quality for each school division with a				
17	minimum ratio of 51 professional personnel for each 1,000 pupils or proportionate number				
18	thereof, in March 31 ADM for the same fiscal year for which the costs are computed, and				
19	including provision for driver, gifted, occupational-vocational, and special education, library				
20	materials and other teaching materials, teacher sick leave, general administration, division				
21	superintendents' salaries, free textbooks (including those for free and reduced price lunch				
22	pupils), school nurses in the first year only, operation and maintenance of school plant,				
23	transportation of pupils, instructional television, professional and staff improvement, remedial				
24	work, fixed charges and other costs in programs not funded by other state and/or federal aid.				
25	b. In the first year only, state and local shares of funding resulting from the support cost				
26	calculation for school nurses shall be specifically identified as such and reported to school				
27	divisions annually. In the first year only, school divisions may spend these funds for licensed				
28	school nurse positions employed by the school division or for licensed nurses contracted by				
29	the local school division to provide school health services.				
30	4.a. "Composite Index of Local Ability-to-Pay" - An index figure computed for each locality.				
31	The composite index is the sum of 2/3 of the index of wealth per pupil in unadjusted March				
32	31 ADM reported for the first seven (7) months of the 2017-2018 school year and 1/3 of the				
33	index of wealth per capita (population estimates for 2017 as determined by the Weldon				
34	Cooper Center for Public Service of the University of Virginia) multiplied by the local				
35	nominal share of the costs of the Standards of Quality of 0.45 in each year. The indices of				
36	wealth are determined by combining the following constituent index elements with the				
37	indicated weighting: (1) true values of real estate and public service corporations as reported				
38	by the State Department of Taxation for the calendar year 2017 - 50 percent; (2) adjusted				
39	gross income for the calendar year 2017 as reported by the State Department of Taxation - 40				
40	percent; (3) the sales for the calendar year 2017 which are subject to the state general sales				
41	and use tax, as reported by the State Department of Taxation - 10 percent. Each constituent				
42	index element for a locality is its sum per March 31 ADM, or per capita, expressed as a				
43	percentage of the state average per March 31 ADM, or per capita, for the same element. A				
44	locality whose composite index exceeds 0.8000 shall be considered as having an index of				
45	0.8000 for purposes of distributing all payments based on the composite index of local ability-				
46	to-pay. Each constituent index element for a locality used to determine the composite index of				
47	local ability-to-pay for the current biennium shall be the latest available data for the specified				
48	official base year provided to the Department of Education by the responsible source agencies				
49	no later than November 15, 2019.				
50	b. For any locality whose total calendar year 2017 Virginia Adjusted Gross Income is				
51	comprised of at least 3 percent or more by nonresidents of Virginia, such nonresident income				
52	shall be excluded in computing the composite index of ability-to-pay. The Department of				
53	Education shall compute the composite index for such localities by using adjusted gross				
54	income data which exclude nonresident income, but shall not adjust the composite index of				
55	any other localities. The Department of Taxation shall furnish to the Department of Education				
56	such data as are necessary to implement this provision.				

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	c.1) Notwithstanding the funding provisions in § 22.1-25 D, Code of Virginia, additional				
2	state funding for future consolidations shall be as set forth in future Appropriation Acts.				
3	2) In the case of the consolidation of Bedford County and Bedford City school divisions,				
4	the fifteen year period for the application of a new composite shall apply beginning with				
5	the fiscal year that starts on July 1, 2013. The composite index established by the Board of				
6	Education shall equal the lowest composite index that was in effect prior to July 1, 2013,				
7	of any individual localities involved in such consolidation, and this index shall remain in				
8	effect for a period of fifteen years, unless a lower composite index is calculated for the				
9	combined division through the process for computing an index as set forth above.				
10	3) If the composite index of a consolidated school division is reduced during the course of				
11	the fifteen year period to a level that would entitle the school division to a lower interest				
12	rate for a Literary Fund loan than it received when the loan was originally released, the				
13	Board of Education shall reduce the interest rate of such loan for the remainder of the				
14	period of the loan. Such reduction shall be based on the interest rate that would apply at				
15	the time of such adjustment. This rate shall remain in effect for the duration of the loan				
16	and shall apply only to those years remaining to be paid.				
17	d. When it is determined that a substantial error exists in a constituent index element, the				
18	Department of Education will make adjustments in funding for the current school year				
19	only in the division where the error occurred. The composite index of any other locality				
20	shall not be changed as a result of the adjustment. No adjustment during the biennium will				
21	be made as a result of updating of data used in a constituent index element.				
22	e. In the event that any school division consolidates two or more small schools, the				
23	division shall continue to receive Standards of Quality funding and provide for the				
24	required local expenditure for a period of five years as if the schools had not been				
25	consolidated. Small schools are defined as any elementary, middle, or high school with				
26	enrollment below 200, 300 and 400 students, respectively.				
27	5. "Required Local Expenditure for the Standards of Quality" - The locality's share based				
28	on the composite index of local ability-to-pay of the cost required by all the Standards of				
29	Quality minus its estimated revenues from the state sales and use tax dedicated to public				
30	education and those sales tax revenues transferred to the general fund from the Public				
31	Education Standards of Quality/Local Real Estate Property Tax Relief Fund and				
32	appropriated in this Item, both of which are returned on the basis of the latest yearly				
33	estimate of school age population provided by the Weldon Cooper Center for Public				
34	Service, as specified in this Item, collected by the Department of Education and				
35	distributed to school divisions in the fiscal year in which the school year begins.				
36	6. "Required Local Match" - The locality's required share of program cost based on the				
37	composite index of local ability-to-pay for all Lottery and Incentive programs, where				
38	required, in which the school division has elected to participate in a fiscal year.				
39	7. "Planning District Eight" - The nine localities which comprise Planning District Eight				
40	are Arlington County, Fairfax County, Loudoun County, Prince William County,				
41	Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City.				
42	8. "State Share of the Standards of Quality" - The state share of the Standards of Quality				
43	(SOQ) shall be equal to the total funded SOQ cost for a school division less the school				
44	division's estimated revenues from the state sales and use tax dedicated to public education				
45	based on the latest yearly estimate of school age population provided by the Weldon				
46	Cooper Center for Public Service, adjusted for the state's share of the composite index of				
47	local ability to pay.				
48	9. Entitlements under this Item that use school-level or division-level Free Lunch				
49	eligibility percentages to determine the entitlement amounts are based on the most recent				
50	data available as of the biennial rebenchmarking calculations made for the current				
51	biennium. For schools that participate in the Community Eligibility Provision program,				
52	such entitlements are based on the most recent Free Lunch eligibility data available prior				
53	to that school's enrollment in the Community Eligibility Provision program.				
54	10. In the event that the general fund appropriations in this Item are not sufficient to meet				

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	the entitlements payable to school divisions pursuant to the provisions of this Item, the				
2	Department of Education is authorized to transfer any available general fund funds between				
3	these Items to address such insufficiencies. If the total general fund appropriations after such				
4	transfers remain insufficient to meet the entitlements of any program funded with general				
5	fund dollars, the Department of Education is authorized to prorate such shortfall				
6	proportionately across all of the school divisions participating in any program where such				
7	shortfall occurred.				
8	11. The Department of Education is directed to apply a cap on inflation rates in the same				
9	manner prescribed in § 51.1-166.B, Code of Virginia, when updating funding to school				
10	divisions during the biennial rebenchmarking process.				
11	12. Notwithstanding any other provision in statute or in this Item, the Department of				
12	Education is directed to combine the end-of-year Average Daily Membership (ADM) for				
13	those school divisions who have partnered together as a fiscal agent division and a contractual				
14	division for the purposes of calculating prevailing costs included in the Standards of Quality				
15	(SOQ).				
16	13. Notwithstanding any other provision in statute or in this Item, the Department of				
17	Education is directed to include zeroes in the linear weighted average calculation of support				
18	non-personal costs for the purpose of calculating prevailing costs included in the Standards of				
19	Quality (SOQ).				
20	14. Notwithstanding any other provision in statute or in this Item, the Department of				
21	Education is directed to eliminate the corresponding and appropriate object code(s) related to				
22	reported travel expenditures included the linear weighted average non-personal cost				
23	calculations for the purpose of calculating prevailing costs included in the Standards of				
24	Quality (SOQ).				
25	15. Notwithstanding any other provision in statute or in this Item, the Department of				
26	Education is directed to eliminate the corresponding and appropriate object code(s) related to				
27	reported leases and rental and facility expenditures included the linear weighted average non-				
28	personal cost calculations for the purpose of calculating prevailing costs included in the				
29	Standards of Quality (SOQ).				
30	16. Notwithstanding any other provision in statute or in this Item, the Department of				
31	Education is directed to fund transportation costs using a 15 year replacement schedule, which				
32	is the national standard guideline, for school bus replacement schedule for the purpose of				
33	calculating funded transportation costs included in the Standards of Quality (SOQ).				
34	17. To provide additional flexibility, notwithstanding the provisions of § 22.1-79.1, Code of				
35	Virginia, any school division that was granted a waiver regarding the opening date of the				
36	school year for the 2011-2012 school year under the good cause requirements shall continue				
37	to be granted a waiver for the 2020-2021 school year and the 2021-2022 school year.				
38	18. In the first year, to provide temporary flexibility, notwithstanding any other provision in				
39	statute or in this item, school divisions may elect to increase the teacher to pupil staffing ratios				
40	in kindergarten through grade 7 and English classes for grades 6 through 12 by one additional				
41	student; the teacher to pupil staffing ratio requirements for Elementary Resource teachers,				
42	Prevention, Intervention and Remediation, Gifted and Talented, Career and Technical funded				
43	programs (other than on Career and Technical courses where school divisions will have to				
44	maintain a maximum class size based on federal Occupational Safety & Health				
45	Administration safety requirements) are waived; and the instructional and support technology				
46	positions, and librarian staffing ratios for new hires are waived.				
47	In the first year, school divisions shall report to the Board of Education the number and type				
48	of positions that were not filled in the previous school year and during the current school year				
49	through these flexibility provisions. The Board of Education shall include a compilation of				
50	such responses in its report on the conditions and needs of public education in the				
51	Commonwealth, that is required to be submitted to the Governor and General Assembly no				
52	later than December 1, as referenced in §§ 22.1-18 and 22.1-253.13:8 of the Code of Virginia.				
53	B. General Conditions				
54	1. The Standards of Quality cost in this Item related to fringe benefits shall be limited for				

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	instructional staff members to the employer's cost for a number not exceeding the number				
2	of instructional positions required by the Standards of Quality for each school division and				
3	for their salaries at the statewide prevailing salary levels as printed below.				
4	Instructional Position	First Year Salary		Second Year Salary	
5	Elementary Teachers	\$51,371		\$51,371	
6	Elementary Assistant Principals	\$71,532		\$71,532	
7	Elementary Principals	\$89,378		\$89,378	
8	Secondary Teachers	\$53,777		\$53,777	
9	Secondary Assistant Principals	\$77,181		\$77,181	
10	Secondary Principals	\$99,215		\$99,215	
11	Instructional Aides	\$18,995		\$18,995	
12	a.1) Payment by the state to a local school division shall be based on the state share of				
13	fringe benefit costs of 55 percent of the employer's cost distributed on the basis of the				
14	composite index.				
15	2) A locality whose composite index exceeds 0.8000 shall be considered as having an				
16	index of 0.8000 for purposes of distributing fringe benefit funds under this provision.				
17	3) The state payment to each school division for retirement, social security, and group life				
18	insurance costs for non-instructional personnel is included in and distributed through				
19	Basic Aid.				
20	b. Payments to school divisions from this Item shall be calculated using March 31				
21	Average Daily Membership adjusted for half-day kindergarten programs.				
22	c. Payments for health insurance fringe benefits are included in and distributed through				
23	Basic Aid.				
24	2. Each locality shall offer a school program for all its eligible pupils which is acceptable				
25	to the Department of Education as conforming to the Standards of Quality program				
26	requirements.				
27	3. In the event the statewide number of pupils in March 31 ADM results in a state share of				
28	cost exceeding the general fund appropriation in this Item, the locality's state share of				
29	Basic Aid shall be reduced proportionately so that this general fund appropriation will not				
30	be exceeded. In addition, the required local share of Basic Aid shall also be reduced				
31	proportionately to the reduction in the state's share.				
32	4. The Department of Education shall make equitable adjustments in the computation of				
33	indices of wealth and in other state-funded accounts for localities affected by annexation,				
34	unless a court of competent jurisdiction makes such adjustments. However, only the				
35	indices of wealth and other state-funded accounts of localities party to the annexation will				
36	be adjusted.				
37	5. In the event that the actual revenues from the state sales and use tax dedicated to public				
38	education and those sales tax revenues transferred to the general fund from the Public				
39	Education Standards of Quality/Local Real Estate Property Tax Relief Fund and				
40	appropriated in this Item (both of which are returned on the basis of the latest yearly				
41	estimate of school age population provided by the Weldon Cooper Center for Public				
42	Service) for sales in the fiscal year in which the school year begins are different from the				
43	number estimated as the basis for this appropriation, the estimated state sales and use tax				
44	revenues shall not be adjusted.				
45	6. This appropriation shall be apportioned to the public schools with guidelines established				
46	by the Department of Education consistent with legislative intent as expressed in this act.				
47	7.a. Appropriations of state funds in this Item include the number of positions required by				
48	the Standards of Quality. This Item includes a minimum of 51 professional instructional				
49	positions and aide positions (C 5); Education of the Gifted, 1.0 professional instructional				
50	position (C 6); Occupational-Vocational Education Payments and Special Education				
51	Payments; a minimum of 6.0 professional instructional positions and aide positions (C 7				

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	and C 8) for each 1,000 pupils in March 31 ADM each year in support of the current				
2	Standards of Quality. Funding in support of one hour of additional instruction per day based				
3	on the percent of students eligible for the federal free lunch program with a pupil-teacher ratio				
4	range of 18:1 to 10:1, depending upon a school division's combined failure rate on the English				
5	and Math Standards of Learning, is included in Remedial Education Payments (C 9).				
6	b. No actions provided in this section signify any intent of the General Assembly to mandate				
7	an increase in the number of instructional personnel per 1,000 students above the numbers				
8	explicitly stated in the preceding paragraph.				
9	c. Appropriations in this Item include programs supported in part by transfers to the general				
10	fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief				
11	Fund pursuant to Part 3 of this Act. These transfers combined together with other				
12	appropriations from the general fund in this Item funds the state's share of the following				
13	revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly				
14	of 2004: five elementary resource teachers per 1,000 students; one support technology				
15	position per 1,000 students; one instructional technology position per 1,000 students; and a				
16	full daily planning period for teachers at the middle and high school levels in order to relieve				
17	the financial pressure these education programs place on local real estate taxes.				
18	d. To provide flexibility, school divisions may use the state and local funds for instructional				
19	technology resource teachers required by the Standards of Quality to employ a data				
20	coordinator position, an instructional technology resource teacher position, or a data				
21	coordinator/instructional resource teacher blended position. The data coordinator position is				
22	intended to serve as a resource to principals and classroom teachers in the area of data				
23	analysis and interpretation for instructional and school improvement purposes, as well as for				
24	overall data management and administration of state assessments. School divisions using				
25	these SOQ funds in this manner shall only employ instructional personnel licensed by the				
26	Board of Education.				
27	e. To provide flexibility in the provision of reading intervention services, school divisions				
28	may use the state Early Reading Intervention initiative funding provided from the Lottery				
29	Proceeds Fund and the required local matching funds to employ reading specialists to provide				
30	the required reading intervention services. School divisions using the Early Reading				
31	Intervention Initiative funds in this manner shall only employ instructional personnel licensed				
32	by the Board of Education.				
33	f. To provide flexibility in the provision of mathematics intervention services, school				
34	divisions may use the state Standards of Learning Algebra Readiness initiative funding				
35	provided from the Lottery Proceeds Fund and the required local matching funds to employ				
36	mathematics teacher specialists to provide the required mathematics intervention services.				
37	School divisions using the Standards of Learning Algebra Readiness initiative funding in this				
38	manner shall only employ instructional personnel licensed by the Board of Education.				
39	g.1) Notwithstanding the provisions of subsection H of § 22.1-253.13:2, Code of Virginia, in				
40	the 2020-2021 school year, each school board shall employ the following full-time equivalent				
41	school counselor positions for any school that reports fall membership, according to the type				
42	of school and student enrollment: in elementary schools, one hour per day per 91 students,				
43	one full-time at 455 students, one hour per day additional time per 91 students or major				
44	fraction thereof; in middle schools, one period per 74 students, one full-time at 370 students,				
45	one additional period per 74 students or major fraction thereof; in high schools, one period per				
46	65 students, one full-time at 325 students, one additional period per 65 students or major				
47	fraction thereof.				
48	2) Effective with the 2021-2022 school year, local school boards shall employ one full-time				
49	equivalent school counselor position per 325 students in grades kindergarten through 12.				
50	8.a.1) Pursuant to § 22.1-97, Code of Virginia, the Department of Education is required to				
51	make calculations at the start of the school year to ensure that school divisions have				
52	appropriated adequate funds to support their estimated required local expenditure for the				
53	corresponding state fiscal year. In an effort to reduce the administrative burden on school				
54	divisions resulting from state data collections, such as the one needed to make the				
55	aforementioned calculations, the requirements of § 22.1-97, Code of Virginia, pertaining to				
56	the adequacy of estimated required local expenditures, shall be satisfied by signed				

ITEM 145.		Item Details(\$)		Appropriations(\$)	
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1	certification by each division superintendent at the beginning of each school year that				
2	sufficient local funds have been budgeted to meet all state required local effort and				
3	required local match amounts. This provision shall only apply to calculations required of				
4	the Department of Education related to estimated required local expenditures and shall not				
5	pertain to the calculations associated with actual required local expenditures after the close				
6	of the school year.				
7	2) The Department of Education shall also make calculations after the close of the school				
8	year to verify that the required local effort level, based on actual March 31 Average Daily				
9	Membership, was met. Pursuant to § 22.1-97, Code of Virginia, the Department of				
10	Education shall report annually, no later than the first day of the General Assembly				
11	session, to the House Committees on Education and Appropriations and the Senate				
12	Committees on Finance and Education and Health, the results of such calculations made				
13	after the close of the school year and the degree to which each school division has met,				
14	failed to meet, or surpassed its required local expenditure. The Department of Education				
15	shall specify the calculations to determine if a school division has expended its required				
16	local expenditure for the Standards of Quality. This calculation may include but is not				
17	limited to the following calculations:				
18	b. The total expenditures for operation, defined as total expenditures less all capital				
19	outlays, expenditures for debt service, facilities, non-regular day school programs (such as				
20	adult education, preschool, and non-local education programs), and any transfers to				
21	regional programs will be calculated.				
22	c. The following state funds will be deducted from the amount calculated in paragraph a.				
23	above: revenues from the state sales and use tax (returned on the basis of the latest yearly				
24	estimate of school age population provided by the Weldon Cooper Center for Public				
25	Service, as specified in this Item) for sales in the fiscal year in which the school year				
26	begins; total receipts from state funds (except state funds for non-regular day school				
27	programs and state funds used for capital or debt service purposes); and the state share of				
28	any balances carried forward from the previous fiscal year. Any qualifying state funds that				
29	remain unspent at the end of the fiscal year will be added to the amount calculated in				
30	paragraph a. above.				
31	d. Federal funds, and any federal funds carried forward from the previous fiscal year, will				
32	also be deducted from the amount calculated in paragraph a. above. Any federal funds that				
33	remain unspent at the end of the fiscal year and any capital expenditures paid from federal				
34	funds will be added to the amount calculated in paragraph a. above.				
35	e. Tuition receipts, receipts from payments from other cities or counties, and fund				
36	transfers will also be deducted from the amount calculated in paragraph a, then				
37	f. The final amount calculated as described above must be equal to or greater than the				
38	required local expenditure defined in paragraph A. 5.				
39	g. The Department of Education shall collect the data necessary to perform the				
40	calculations of required local expenditure as required by this section.				
41	h. A locality whose expenditure in fact exceeds the required amount from local funds may				
42	not reduce its expenditures unless it first complies with all of the Standards of Quality.				
43	9.a. Any required local matching funds which a locality, as of the end of a school year, has				
44	not expended, pursuant to this Item, for the Standards of Quality shall be paid by the				
45	locality into the general fund of the state treasury. Such payments shall be made not later				
46	than the end of the school year following that in which the under expenditure occurs.				
47	b. Whenever the Department of Education has recovered funds as defined in the preceding				
48	paragraph a., the Secretary of Education is authorized to repay to the locality affected by				
49	that action, seventy-five percent (75%) of those funds upon his determination that:				
50	1) The local school board agrees to include the funds in its June 30 ending balance for the				
51	year following that in which the under expenditure occurs;				
52	2) The local governing body agrees to reappropriate the funds as a supplemental				
53	appropriation to the approved budget for the second year following that in which the under				

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	expenditure occurs, in an appropriate category as requested by the local school board, for the				
2	direct benefit of the students;				
3	3) The local school board agrees to expend these funds, over and above the funds required to				
4	meet the required local expenditure for the second year following that in which the under				
5	expenditure occurs, for a special project, the details of which must be furnished to the				
6	Department of Education for review and approval;				
7	4) The local school board agrees to submit quarterly reports to the Department of Education				
8	on the use of funds provided through this project award; and				
9	5) The local governing body and the local school board agree that the project award will be				
10	cancelled and the funds withdrawn if the above conditions have not been met as of June 30 of				
11	the second year following that in which the under expenditure occurs.				
12	c. There is hereby appropriated, for the purposes of the foregoing repayment, a sum sufficient,				
13	not to exceed 75 percent of the funds deposited in the general fund pursuant to the preceding				
14	paragraph a.				
15	<i>d. Notwithstanding the provisions set forth in this Act or in § 22.1-97, Code of Virginia,</i>				
16	<i>required local effort and required local match obligations are waived for fiscal year 2021.</i>				
17	10. The Department of Education shall specify the manner for collecting the required				
18	information and the method for determining if a school division has expended the local funds				
19	required to support the actual local match based on all Lottery and Incentive programs in				
20	which the school division has elected to participate. Unless specifically stated otherwise in				
21	this Item, school divisions electing to participate in any Lottery or Incentive program that				
22	requires a local funding match in order to receive state funding, shall certify to the				
23	Department of Education its intent to participate in each program by July 1 each fiscal year in				
24	a manner prescribed by the Department of Education. As part of this certification process,				
25	each division superintendent must also certify that adequate local funds have been				
26	appropriated, above the required local effort for the Standards of Quality, to support the				
27	projected required local match based on the Lottery and Incentive programs in which the				
28	school division has elected to participate. State funding for such program(s) shall not be made				
29	until such time that the school division can certify that sufficient local funding has been				
30	appropriated to meet required local match. The Department of Education shall make				
31	calculations after the close of the fiscal year to verify that the required local match was met				
32	based on the state funds that were received.				
33	11. Any sum of local matching funds for Lottery and Incentive program which a locality has				
34	not expended as of the end of a fiscal year in support of the required local match pursuant to				
35	this Item shall be paid by the locality into the general fund of the state treasury unless the				
36	carryover of those unspent funds is specifically permitted by other provisions of this act. Such				
37	payments shall be made no later than the end of the school year following that in which the				
38	under expenditure occurred.				
39	12. The Superintendent of Public Instruction shall provide a report annually, no later than the				
40	first day of the General Assembly session, on the status of teacher salaries, by local school				
41	division, to the Governor and the Chairmen of the Senate Finance and House Appropriations				
42	Committees. In addition to information on average salaries by school division and statewide				
43	comparisons with other states, the report shall also include information on starting salaries by				
44	school division and average teacher salaries by school.				
45	13. All state and local matching funds required by the programs in this Item shall be				
46	appropriated to the budget of the local school board.				
47	14. By November 15 of each year, the Department of Planning and Budget, in cooperation				
48	with the Department of Education, shall prepare and submit a preliminary forecast of				
49	Standards of Quality expenditures, based upon the most current data available, to the				
50	Chairmen of the House Appropriations and Senate Finance Committees. In odd-numbered				
51	years, the forecast for the current and subsequent two fiscal years shall be provided. In even-				
52	numbered years, the forecast for the current and subsequent fiscal year shall be provided. The				
53	forecast shall detail the projected March 31 Average Daily Membership and the resulting				
54	impact on the education budget.				

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	15. School divisions may choose to use state payments provided for Standards of Quality				
2	Prevention, Intervention, and Remediation in both years as a block grant for remediation				
3	purposes, without restrictions or reporting requirements, other than reporting necessary as				
4	a basis for determining funding for the program.				
5	16. Except as otherwise provided in this act, the Superintendent of Public Instruction shall				
6	provide guidelines for the distribution and expenditure of general fund appropriations and				
7	such additional federal, private and other funds as may be made available to aid in the				
8	establishment and maintenance of the public schools.				
9	17. At the Department of Education's option, fees for audio-visual services may be				
10	deducted from state Basic Aid payments for individual local school divisions.				
11	18. For distributions not otherwise specified, the Department of Education, at its option,				
12	may use prior year data to calculate actual disbursements to individual localities.				
13	19. Payments for accounts related to the Standards of Quality made to localities for public				
14	education from the general fund, as provided herein, shall be payable in twenty-four semi-				
15	monthly installments at the middle and end of each month.				
16	20. Notwithstanding § 58.1-638 D., Code of Virginia, and other language in this Item, the				
17	Department of Education shall, for purposes of calculating the state and local shares of the				
18	Standards of Quality, apportion state sales and use tax dedicated to public education and				
19	those sales tax revenues transferred to the general fund from the Public Education				
20	Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first year based				
21	on the July 1, 2018, estimate of school age population provided by the Weldon Cooper				
22	Center for Public Service and, in the second year, based on the July 1, 2019, estimate of				
23	school age population provided by the Weldon Cooper Center for Public Service.				
24	Notwithstanding § 58.1-638 D., Code of Virginia, and other language in this Item, the				
25	State Comptroller shall distribute the state sales and use tax revenues dedicated to public				
26	education and those sales tax revenues transferred to the general fund from the Public				
27	Education Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first				
28	year based on the July 1, 2018, estimate of school age population provided by the Weldon				
29	Cooper Center for Public Service and, in the second year, based on the July 1, 2019,				
30	estimate of school age population provided by the Weldon Cooper Center for Public				
31	Service.				
32	21. The school divisions within the Tobacco Region, as defined by the Tobacco				
33	Indemnification and Community Revitalization Commission, shall jointly explore ways to				
34	maximize their collective expenditure reimbursement totals for all eligible E-Rate funding.				
35	22. This Item includes appropriations totaling an estimated \$708,231,123 the first year and				
36	\$690,903,334 \$843,361,811 the second year from the revenues deposited to the Lottery				
37	Proceeds Fund. These amounts are appropriated for distribution to counties, cities, and				
38	towns to support public education programs pursuant to Article X, Section 7-A				
39	Constitution of Virginia. Any county, city, or town which accepts a distribution from this				
40	fund shall provide its portion of the cost of maintaining an educational program meeting				
41	the Standards of Quality pursuant to Section 2 of Article VIII of the Constitution without				
42	the use of distributions from the fund.				
43	23. For reporting purposes, the Department of Education shall include Lottery Proceeds				
44	Funds as state funds.				
45	24.a. Any locality that has met its required local effort for the Standards of Quality				
46	accounts for FY 2021 and that has met its required local match for incentive or Lottery-				
47	funded programs in which the locality elected to participate in FY 2021 may carry over				
48	into FY 2022 any remaining state Direct Aid to Public Education fund balances available				
49	to help minimize any FY 2022 revenue adjustments that may occur in state funding to that				
50	locality. Localities electing to carry forward such unspent state funds must appropriate the				
51	funds to the school division for expenditure in FY 2022.				
52	b. Any locality that has met its required local effort for the Standards of Quality accounts				
53	for FY 2022 and that has met its required local match for incentive or Lottery-funded				
54	programs in which the locality elected to participate in FY 2022 may carry over into FY				

ITEM 145.		Item Details(\$)		Appropriations(\$)	
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1	2023 any remaining state Direct Aid to Public Education fund balances available to help				
2	minimize any FY 2023 revenue adjustments that may occur in state funding to that locality.				
3	Localities electing to carry forward such unspent state funds must appropriate the funds to the				
4	school division for expenditure in FY 2023.				
5	25. Localities are encouraged to allow school boards to carry over any unspent local				
6	allocations into the next fiscal year. Localities are also encouraged to provide increased				
7	flexibility to school boards by appropriating state and local funds for public education in a				
8	lump sum.				
9	26. The Department of Education shall include in the annual School Performance Report Card				
10	for school divisions the percentage of each division's annual operating budget allocated to				
11	instructional costs. For this report, the Department of Education shall establish a methodology				
12	for allocating each school division's expenditures to instructional and non-instructional costs				
13	in a manner that is consistent with the funding of the Standards of Quality as approved by the				
14	General Assembly.				
15	27. It is the intent of the General Assembly that all school divisions annually provide their				
16	employees, upon request, with a user-friendly statement of total compensation, including				
17	contract duration if less than 12 months.				
18	28. The Department of Education, in collaboration with the Virginia Community College				
19	System, will ensure that the same policies regarding the cost for dual enrollment courses held				
20	at a community college, are consistently applied to public school students and home-schooled				
21	students alike. These policies will clearly address the school division contributions and any				
22	student charges for dual enrollment courses, and will ensure that public school students and				
23	home-school students are treated in the same manner.				
24	29. Each school division shall report each year to the Department of Education the individual				
25	uses for the prior year of the following funds prescribed by this item: (i) Prevention,				
26	Intervention, and Remediation, (ii) At-Risk Add-On, and (iii) Early Reading Intervention. The				
27	Department shall prescribe the format and timeline required for the reporting of such				
28	information, which shall include, permitted categories of spending, personnel, both state and				
29	local contributions, and to the extent possible, the individual schools which these funds were				
30	expended. The Department shall compile and submit this information to the Chairs of the				
31	House Appropriations and Senate Finance and Appropriations Committees no later than the				
32	first day of the General Assembly session.				
33	30. In the first year only, the Department of Education shall not reduce semi-monthly				
34	payments to school divisions due to mid-year adjustments to ADM projections. Semi-monthly				
35	payments occurring after the final calculation of March 31 ADM shall be adjusted to address				
36	changes in membership that occur throughout the school year. It is the intent of the General				
37	Assembly that this is a one-time action to address fluctuating enrollment resulting from the				
38	COVID-19 emergency.				
39	31. Beginning in the second year, multidivision online providers, as defined in § 22.1-212.23,				
40	Code of Virginia, shall provide certain data as prescribed by the Department of Education				
41	related to students enrolled through a contract between such a provider and a school division,				
42	including such students who do not reside in the school division that is party to the contract.				
43	Such data shall include, but is not limited to, enrollment, which shall be disaggregated by				
44	serving school, demographics, attendance, achievement, and achievement gaps, and be				
45	transmitted in a format prescribed by the Department. The Department shall report such data				
46	annually through the School Quality Profiles in a manner that clearly disaggregates and				
47	communicates school quality information related to (i) the students that do not reside in the				
48	school division and are served through the contract, and (ii) all other students.				
49	C. Apportionment				
50	1. Subject to the conditions stated in this paragraph and in paragraph B of this Item, each				
51	locality shall receive sums as listed above within this program for the basic operation cost and				
52	payments in addition to that cost. The apportionment herein directed shall be inclusive of, and				
53	without further payment by reason of, state funds for library and other teaching materials.				
54	2. School Employee Retirement Contributions				

ITEM 145.		Item Details(\$)		Appropriations(\$)	
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1	a. This Item provides funds to each local school board for the state share of the employer's				
2	retirement cost incurred by it, on behalf of instructional and support personnel, for				
3	subsequent transfer to the retirement allowance account as provided by Title 51.1, Chapter				
4	1, Code of Virginia.				
5	b. Notwithstanding § 51.1-1401, Code of Virginia, the Commonwealth shall provide				
6	payments for only the state share of the Standards of Quality fringe benefit cost of the				
7	retiree health care credit. This Item includes payments in both years based on the state				
8	share of fringe benefit costs of 55 percent of the employer's cost on funded Standards of				
9	Quality instructional and support positions, distributed based on the composite index of				
10	the local ability-to-pay.				
11	3. School Employee Social Security Contributions				
12	a. This Item provides funds to each local school board for the state share of the employer's				
13	Social Security cost incurred by it, on behalf of the instructional personnel for subsequent				
14	transfer to the Contribution Fund pursuant to Title 51.1, Chapter 7, Code of Virginia.				
15	b. Appropriations for contributions in paragraphs 2 and 3 above include payments from				
16	funds derived from the principal of the Literary Fund in accordance with Article VIII,				
17	Section 8, of the Constitution of Virginia. The amounts set aside from the Literary Fund				
18	for these purposes shall not exceed \$162,000,000 the first year and \$83,000,000				
19	\$15,900,000 the second year.				
20	4. School Employee Insurance Contributions				
21	This Item provides funds to each local school board for the state share of the employer's				
22	Group Life Insurance cost incurred by it on behalf of instructional personnel who				
23	participate in group insurance under the provisions of Title 51.1, Chapter 5, Code of				
24	Virginia.				
25	5. Basic Aid Payments				
26	a.1) A state share of the Basic Operation Cost, which cost per pupil in March 31 ADM is				
27	established individually for each local school division based on the number of				
28	instructional personnel required by the Standards of Quality and the statewide prevailing				
29	salary levels (adjusted in Planning District Eight for the cost of competing) as well as				
30	recognized support costs calculated on a prevailing basis for an estimated March 31 ADM.				
31	2) This appropriation includes funding to recognize the common labor market in the				
32	Washington-Baltimore-Northern Virginia, DC-MD-VA-WV Combined Statistical Area.				
33	Standards of Quality salary payments for instructional and support positions in school				
34	divisions of the localities set out below have been adjusted for the equivalent portion of				
35	the Cost of Competing Adjustment (COCA) rates that are paid to local school divisions in				
36	Planning District Eight. For the counties of Stafford, Fauquier, Spotsylvania, Clarke,				
37	Warren, Frederick, and Culpeper and the Cities of Fredericksburg and Winchester, the				
38	SOQ payments for instructional and support positions have been increased by 25 percent				
39	each year of the COCA rates paid to school divisions in Planning District Eight.				
40	The support COCA rate is 10.6 percent the first year and 18.0 percent the second year.				
41	b. The state share for a locality shall be equal to the Basic Operation Cost for that locality				
42	less the locality's estimated revenues from the state sales and use tax (returned on the basis				
43	of the latest yearly estimate of school age population provided by the Weldon Cooper				
44	Center for Public Service, as specified in this Item), in the fiscal year in which the school				
45	year begins and less the required local expenditure.				
46	c. For the purpose of this paragraph, the Department of Taxation's fiscal year sales and use				
47	tax estimates are as cited in this Item.				
48	d. 1) In accordance with the provisions of § 37.2-713, Code of Virginia, the Department of				
49	Education shall deduct the locality's share for the education of handicapped pupils residing				
50	in institutions within the Department of Behavioral Health and Developmental Services				
51	from the locality's Basic Aid payments.				

ITEM 145.		Item Details(\$)		Appropriations(\$)	
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1	2) The amounts deducted from Basic Aid for the education of intellectually disabled persons				
2	shall be transferred to the Department of Behavioral Health and Developmental Services in				
3	support of the cost of educating such persons; the amount deducted from Basic Aid for the				
4	education of emotionally disturbed persons shall be used to cover extraordinary expenses				
5	incurred in the education of such persons. The Department of Education shall establish				
6	guidelines to implement these provisions and shall provide for the periodic transfer of sums				
7	due from each local school division to the Department of Behavioral Health and				
8	Developmental Services and for Special Education categorical payments. The amount of the				
9	actual transfers will be based on data accumulated during the prior school year.				
10	e. 1) The apportionment to localities of all driver education revenues received during the				
11	school year shall be made as an undesignated component of the state share of Basic Aid in				
12	accordance with the provisions of this Item. Only school divisions complying with the				
13	standardized program established by the Board of Education shall be entitled to participate in				
14	the distribution of state funds appropriated for driver education. The Department of Education				
15	will deduct a designated amount per pupil from a school division's Basic Aid payment when				
16	the school division is not in compliance with § 22.1-205 C, Code of Virginia. Such amount				
17	will be computed by dividing the current appropriation for the Driver Education Fund by				
18	actual March 31 ADM.				
19	2) Local school boards may charge a per pupil fee for behind-the-wheel driver education				
20	provided, however, that the fee charged plus the per pupil basic aid reimbursement for driver				
21	education shall not exceed the actual average per pupil cost. Such fees shall not be cause for a				
22	pro rata reduction in Basic Aid payments to school divisions.				
23	f. Textbooks				
24	1) The appropriation in this Item includes \$72,851,568 the first year and \$73,119,307				
25	\$59,229,949 the second year from the general fund and \$13,352,067 the second year from the				
26	<i>Lottery Proceeds Fund</i> as the state's share of the cost of textbooks based on a per pupil				
27	amount of \$107.47 the first year and \$107.47 the second year. A school division shall				
28	appropriate these funds for textbooks or any other public education instructional expenditure				
29	by the school division. The state's distributions for textbooks shall be based on adjusted				
30	March 31 ADM. These funds shall be matched by the local government, based on the				
31	composite index of local ability-to-pay.				
32	2) School divisions shall provide free textbooks to all students.				
33	3) School divisions may use a portion of this funding to purchase Standards of Learning				
34	instructional materials. School divisions may also use these funds to purchase electronic				
35	textbooks or other electronic media resources integral to the curriculum and classroom				
36	instruction and the technical equipment required to read and access the electronic textbooks				
37	and electronic curriculum materials.				
38	4) Any funds provided to school divisions for textbook costs that are unexpended as of June				
39	30, 2021, or June 30, 2022, shall be carried on the books of the locality to be appropriated to				
40	the school division the following year to be used for same purpose. School divisions are				
41	permitted to carry forward any remaining balance of textbook funds until the funds are				
42	expensed for a qualifying purpose.				
43	5) Notwithstanding any other provision in statute or in this item, to provide temporary				
44	flexibility in the first year, school divisions may elect to use textbook payments to address				
45	costs incurred as a result of reopening schools that were closed due to the COVID-19				
46	pandemic or to support virtual learning needs in school divisions that have not fully reopened				
47	to in-person instruction. Such costs may include, but are not limited to cleaning supplies,				
48	personal protective equipment, reduced class sizes to meet social distancing guidelines,				
49	technology needs and internet access. No local match is required to receive these state funds				
50	in the first year only and such local match shall be excluded from the determination of				
51	required local effort in the first year pursuant to Item 145.B.8. of this act, and § 22.1-97, Code				
52	of Virginia.				
53	g. The one-cent state sales and use tax earmarked for education and the sales tax revenues				
54	transferred to the general fund from the Public Education Standards of Quality/Local Real				
55	Estate Property Tax Relief Fund and appropriated in this Item which are distributed to				

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1	localities on the basis of the latest yearly estimate of school age population provided by				
2	the Weldon Cooper Center for Public Service as specified in this Item shall be reflected in				
3	each locality's annual budget for educational purposes as a separate revenue source for the				
4	current fiscal year.				
5	h. The appropriation for the Standards of Quality for Public Education (SOQ) includes				
6	amounts estimated at \$421,600,000 the first year and \$433,800,000 \$510,700,000 the				
7	second year from the amounts transferred to the general fund from the Public Education				
8	Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this				
9	act which are derived from the 0.375 cent increase in the state sales and use tax levied				
10	pursuant to § 58.1-638, Code of Virginia. These additional funds are provided to local				
11	school divisions and local governments in order to relieve the financial pressure education				
12	programs place on local real estate taxes.				
13	i. From the total amounts in paragraph h. above, an amount estimated at \$281,000,000 the				
14	first year and \$289,200,000 \$340,500,000 the second year (approximately 1/4 cent of sales				
15	and use tax) is appropriated to support a portion of the cost of the state's share of the				
16	following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the				
17	Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one				
18	support and one instructional technology position per 1,000 students; a full daily planning				
19	period for teachers at the middle and high school levels in order to relieve the pressure on				
20	local real estate taxes and shall be taken into account by the governing body of the county,				
21	city, or town in setting real estate tax rates.				
22	j. From the total amounts in paragraph h. above, an amount estimated at \$140,500,000 the				
23	first year and \$144,600,000 \$170,200,000 the second year (approximately 1/8 cent of sales				
24	and use tax) is appropriated in this Item to distribute the remainder of the revenues				
25	collected and deposited into the Public Education Standards of Quality/Local Real Estate				
26	Property Tax Relief Fund on the basis of the latest yearly estimate of school age				
27	population provided by the Weldon Cooper Center for Public Service as specified in this				
28	Item.				
29	k. For the purposes of funding certain support positions in Basic Aid, a funding ratio				
30	methodology is used based upon the prevailing ratio of actual support positions, consistent				
31	with those recognized for SOQ funding, to actual instructional positions, consistent with				
32	those recognized for SOQ funding, as established in Chapter 781, 2009 Acts of Assembly.				
33	For the purposes of making the required spending adjustments, the appropriation and				
34	distribution of Basic Aid shall reflect this methodology. Local school divisions shall have				
35	the discretion as to where the adjustment may be made, consistent with the Standards of				
36	Quality funded in this Act. Beginning in the second year, such methodology shall not				
37	apply to specialized student support positions due to the establishment of a staffing				
38	standard for such positions, pursuant to Senate Bill 1257, 2021 Special Session I.				
39	6. Education of the Gifted Payments				
40	a. An additional payment shall be disbursed by the Department of Education to local				
41	school divisions to support the state share of one full-time equivalent instructional position				
42	per 1,000 students in adjusted March 31 ADM.				
43	b. Local school divisions are required to spend, as part of the required local expenditure				
44	for the Standards of Quality the established per pupil cost for gifted education (state and				
45	local share) on approved programs for the gifted.				
46	7. Occupational-Vocational Education Payments				
47	a. An additional payment shall be disbursed by the Department of Education to the local				
48	school divisions to support the state share of the number of Vocational Education				
49	instructors required by the Standards of Quality. These funds shall be disbursed on the				
50	same basis as the payment is calculated.				
51	b. An amount estimated at \$129,097,542 the first year and \$129,160,173 the second year				
52	from the general fund included in Basic Aid Payments relates to vocational education				
53	programs in support of the Standards of Quality.				
54	8. Special Education Payments				

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1	a. An additional payment shall be disbursed by the Department of Education to the local				
2	school divisions to support the state share of the number of Special Education instructors				
3	required by the Standards of Quality. These funds shall be disbursed on the same basis as the				
4	payment is calculated.				
5	b. Out of the amounts for special education payments, general fund support is provided to				
6	fund the caseload standards for speech pathologists at 68 students for each year of the				
7	biennium.				
8	9. Remedial Education Payments				
9	a. An additional payment estimated at \$117,973,133 the first year and \$118,181,833				
10	\$116,300,292 the second year from the general fund shall be disbursed by the Department of				
11	Education to support the Board of Education's Standards of Quality Prevention, Intervention,				
12	and Remediation program adopted in June 2003.				
13	b. The payment shall be calculated based on one hour of additional instruction per day for				
14	identified students, using the three year average percent of students eligible for the federal				
15	Free Lunch program as a proxy for students needing such services. Fall membership shall be				
16	multiplied by the three year average division-level Free Lunch eligibility percentage to				
17	determine the estimated number of students eligible for services. Pupil-teacher ratios shall be				
18	applied to the estimated number of eligible students to determine the number of instructional				
19	positions needed for each school division. The pupil-teacher ratio applied for each school				
20	division shall range from 10:1 for those divisions with the most severe combined three year				
21	average failure rates for English and math Standards of Learning test scores to 18:1 for those				
22	divisions with the lowest combined three year average failure rates for English and math				
23	Standards of Learning test scores.				
24	c. Funding shall be matched by the local government based on the composite index of local				
25	ability-to-pay.				
26	d. To provide flexibility in the instruction of English Language Learners who have limited				
27	English proficiency and who are at risk of not meeting state accountability standards, school				
28	divisions may use state and local funds from the SOQ Prevention, Intervention, and				
29	Remediation account to employ additional English Language Learner teachers to provide				
30	instruction to identified limited English proficiency students. Using these funds in this manner				
31	is intended to supplement the instructional services provided through the staffing standard of				
32	20 instructional positions per 1,000 limited English proficiency students. School divisions				
33	using the SOQ Prevention, Intervention, and Remediation funds in this manner shall only				
34	employ instructional personnel licensed by the Board of Education.				
35	e. An additional state payment estimated at \$107,830,098 the first year and \$147,939,452 the				
36	second year from the general fund and \$69,256,566 the first year and \$85,024,872				
37	\$228,479,142 the second year from the Lottery Proceeds Fund shall be disbursed based on the				
38	estimated number of federal Free Lunch participants, in support of programs for students who				
39	are educationally at risk. The additional payment shall be based on the state share of:				
40	1) A minimum 1.0 percent Add-On, as a percent of the per pupil basic aid cost, for each child				
41	who qualifies for the federal Free Lunch Program; and				
42	2) An addition to the Add-On, based on the concentration of children qualifying for the				
43	federal Free Lunch Program. Based on its percentage of Free Lunch participants, each school				
44	division will receive a total between 1.0 and 19.9 percent in the first year and between 1.0 and				
45	26.0 percent in the second year in additional basic aid per Free Lunch participant. These funds				
46	shall be matched by the local government, based on the composite index of local ability-to-				
47	pay.				
48	3a) Local school divisions are required to spend the established At-Risk Add-On payment				
49	(state and local share) on approved programs for students who are educationally at risk.				
50	b) To receive these funds, each school division shall certify to the Department of Education				
51	that the state and local share of the At-Risk Add-On payment will be used to support				
52	approved programs for students who are educationally at risk. These programs may include:				
53	teacher recruitment programs and incentives, Dropout Prevention, community and school-				

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1	based truancy officer programs, Advancement Via Individual Determination (AVID),				
2	Project Discovery, Reading Recovery, programs for students who speak English as a				
3	Second Language, hiring additional school guidance counselors, testing coordinators, and				
4	licensed behavior analysts, or programs related to increasing the success of disadvantaged				
5	students in completing a high school degree and providing opportunities to encourage				
6	further education and training. Further, in the first year only each school division shall				
7	report by August 1 to the Department the individual uses of these funds. The Department				
8	shall compile the responses and provide them to the Chairmen of House Appropriations				
9	and Senate Finance Committees no later than the first day of each Regular General				
10	Assembly Session.				
11	4) If the Board of Education has required a local school board to submit a corrective				
12	action plan pursuant to § 22.1-253.13:3, Code of Virginia, either for the school division				
13	pursuant to a division level review, or for any schools within its division that have been				
14	designated as not meeting the standards as approved by the Board of Education, the				
15	Superintendent of Public Instruction shall determine and report to the Board of Education				
16	whether each such local school board has met its obligation to develop and submit such				
17	corrective action plan(s) and is making adequate and timely progress in implementing the				
18	plan(s). Additionally, if an academic or other review process undertaken pursuant to §				
19	22.1-253.13:3, Code of Virginia, has identified actions for a local school board to				
20	implement, the Superintendent of Public Instruction shall determine and report to the				
21	Board of Education whether the local school board has implemented required actions. If				
22	the Superintendent certifies that a local school board has failed or refused to meet any of				
23	those obligations as referenced in a memorandum of understanding between the local				
24	school board and the Board of Education, the Board of Education shall withhold payment				
25	of some or all At-Risk Add-On funds otherwise allocated to the affected division pursuant				
26	to this allocation for the pending fiscal year. In determining the amount of At-Risk Add-				
27	On funds to be withheld, the Board of Education shall take into consideration the extent to				
28	which such funds have already been expended or contractually obligated. The local school				
29	board shall be given an opportunity to correct its failure and, if successful in a timely				
30	manner, may have some or all of its At-Risk Add-On funds restored at the Board of				
31	Education's discretion.				
32	f. Regional Alternative Education Programs				
33	1) An additional state payment of \$9,206,220 the first year and \$9,870,797 \$9,849,223 the				
34	second year from the Lottery Proceeds Fund shall be disbursed for Regional Alternative				
35	Education programs. Such programs shall be for the purpose of educating certain expelled				
36	students and, as appropriate, students who have received suspensions from public schools				
37	and students returned to the community from the Department of Juvenile Justice.				
38	2) Each regional program shall have a small student/staff ratio. Such staff shall include,				
39	but not be limited to education, mental health, health, and law enforcement professionals,				
40	who will collaborate to provide for the academic, psychological, and social needs of the				
41	students. Each program shall be designed to ensure that students make the transition back				
42	into the "mainstream" within their local school division.				
43	3) a) Regional alternative education programs are funded through this Item based on the				
44	state's share of the incremental per pupil cost for providing such programs. This				
45	incremental per pupil payment shall be adjusted for the composite index of local ability-				
46	to-pay of the school division that counts such students attending such program in its				
47	March 31 Average Daily Membership. It is the intent of the General Assembly that this				
48	incremental per pupil amount be in addition to the basic aid per pupil funding provided to				
49	the affected school division for such students. Therefore, local school divisions are				
50	encouraged to provide the appropriate portion of the basic aid per pupil funding to the				
51	regional programs for students attending these programs, adjusted for costs incurred by the				
52	school division for transportation, administration, and any portion of the school day or				
53	school year that the student does not attend such program.				
54	b) In the event a school division does not use all of the student slots it is allocated under				
55	this program, the unused slots may be reallocated or transferred to another school division.				
56	1. A school division must request from the Department of Education the availability and				
57	possible use of any unused student slots. If any unused slots are available and if the				

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1	requesting school division chooses to utilize any of the unused slots, the requesting school				
2	division shall only receive the state's share of tuition for the unused slot that was allocated in				
3	this Item for the originally designated school division.				
4	2. However, no requesting school division shall receive more tuition funding from the state				
5	for any requested unused slot than what would have been the calculated amount for the				
6	requesting school division had the unused slot been allocated to the requesting school division				
7	in the original budget. Furthermore, the requesting school division shall pay for any remaining				
8	tuition payment necessary for using a previously unused slot.				
9	3. The Department of Education shall provide assistance for the state share of the incremental				
10	cost of Regional Alternative Education program operations based on the composite index of				
11	local ability-to-pay.				
12	4) Out of the appropriation included in paragraph C.38. of this item, \$759,098 \$757,515 the				
13	second year from the Lottery Proceeds Fund are provided for a compensation supplement				
14	payment equal to 5.0 percent of base pay on July 1, 2021, for Regional Alternative Education				
15	Program instructional and support positions, as referenced in paragraph C. 38. of this item.				
16	5) The Department of Education shall develop a plan to determine and biennially				
17	rebenchmark the allocation of existing regional alternative education program slots to				
18	participating school divisions. In developing a plan, the Department shall (i) identify a				
19	mechanism to calculate slot distribution based on the number of students in a participating				
20	division requiring regional alternative education, (ii) identify needs to implement such a plan,				
21	including reporting from local school divisions, (iii) identify any legislative and				
22	Appropriation Act amendments necessary for implementation, and (iv) plan for the full				
23	implementation to rebenchmark the slot allocation of regional alternative education programs.				
24	The Department shall report the recommendation to the Secretary of Education, and the				
25	Chairs of the House Appropriations and Senate Finance and Appropriations Committees by				
26	August 1, 2021.				
27	g. Remedial Summer School				
28	1) This appropriation includes \$17,994,400 the first year and \$22,584,988 \$40,206,577 the				
29	second year from the general fund for the state's share of Remedial Summer School Programs.				
30	These funds are available to school divisions for the operation of programs designed to				
31	remediate students who are required to attend such programs during a summer school session				
32	or during an intersession in the case of year-round schools. These funds may be used in				
33	conjunction with other sources of state funding for remediation or intervention. School				
34	divisions shall have maximum flexibility with respect to the use of these funds and the types				
35	of remediation programs offered; however, in exercising this flexibility, students attending				
36	these programs shall not be charged tuition and no high school credit may be awarded to				
37	students who participate in this program.				
38	2) For school divisions charging students tuition for summer high school credit courses,				
39	consideration shall be given to students from households with extenuating financial				
40	circumstances who are repeating a class in order to graduate.				
41	10. K-3 Primary Class Size Reduction Payments				
42	a. An additional payment estimated at \$129,176,942 the first year and \$132,995,629				
43	\$130,657,337 the second year from the Lottery Proceeds Fund shall be disbursed by the				
44	Department of Education as an incentive for reducing class sizes in the primary grades.				
45	b. The Department of Education shall calculate the payment based on the incremental cost of				
46	providing the lower class sizes based on the lower of the division average per pupil cost of all				
47	divisions or the actual division per pupil cost.				
48	c. Localities are required to provide a match for these funds based on the composite index of				
49	local ability-to-pay.				
50	d. By October 15 of each year school divisions must provide data to the Department of				
51	Education that each participating school has a September 30 pupil/teacher ratio in grades K				
52	through 3 that meet the following criteria:				

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Qualifying School Percentage of Students Approved	Grades K-3		Maximum Individual	
Eligible for Free Lunch, Three-Year Average	School Ratio		K-3 Class Size	
30% but less than 45%	19 to 1		24	
45% but less than 55%	18 to 1		23	
55% but less than 65%	17 to 1		22	
65% but less than 70%	16 to 1		21	
70% but less than 75%	15 to 1		20	
75% or more	14 to 1		19	

e. School divisions may elect to have eligible schools participate at a higher ratio, or only in a portion of grades kindergarten through three, with a commensurate reduction of state and required local funds, if local conditions do not permit participation at the established ratio and/or maximum individual class size. In the event that a school division requires additional actions to ensure participation at the established ratio and/or maximum individual class size, such actions must be completed by December 1 of the impacted school year. Special education teachers and instructional aides shall not be counted towards meeting these required pupil/teacher ratios in grades kindergarten through three.

f. The Superintendent of Public Instruction may grant waivers to school divisions for the class size requirement in eligible schools that have only one class in an affected grade level in the school.

11. Literary Fund Subsidy Program Payments

a. The Department of Education and the Virginia Public School Authority (VPSA) shall provide a program of funding for school construction and renovation through the Literary Fund and through VPSA bond sales. The program shall be used to provide funds, through Literary Fund loans and subsidies, and through VPSA bond sales, to fund a portion of the projects on the First or Second Literary Fund Waiting List, or other critical projects which may receive priority placement on the First or Second Literary Fund Waiting List by the Department of Education. Interest rate subsidies will provide school divisions with the present value difference in debt service between a Literary Fund loan and a borrowing through the VPSA. To qualify for an interest rate subsidy, the school division's project must be eligible for a Literary Fund loan and shall be subject to the same restrictions. The VPSA shall work with the Department of Education in selecting those projects to be funded through the interest rate subsidy/bond financing program, so as to ensure the maximum leverage of Literary Fund moneys and a minimum impact on the VPSA Bond Pool.

b. The Department of Education may offer Literary Fund loans from the uncommitted balances of the Literary Fund after meeting the obligations of the interest rate subsidy sales and the amounts set aside from the Literary Fund for Debt Service Payments for Education Technology and Security Equipment in this Item.

c. 1) In the event that on any scheduled payment date of bonds of the Virginia Public School Authority (VPSA) authorized under the provisions of a bond resolution adopted subsequent to June 30, 1997, issued subsequent to June 30, 1997, and not benefiting from the provisions of either § 22.1-168 (iii), (iv), and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the sum of (i) the payments on general obligation school bonds of cities, counties, and towns (localities) paid to the VPSA and (ii) the proceeds derived from the application of the provisions of § 15.2-2659, Code of Virginia, to such bonds of localities, is less than the debt service due on such bonds of the VPSA on such date, there is hereby appropriated to the VPSA, first, from available moneys of the Literary Fund and, second, from the general fund a sum equal to such deficiency.

2) The Commonwealth shall be subrogated to the VPSA to the extent of any such appropriation paid to the VPSA and shall be entitled to enforce the VPSA's remedies with respect to the defaulting locality and to full recovery of the amount of such deficiency, together with interest at the rate of the defaulting locality's bonds.

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d. The chairman of the Board of Commissioners of the VPSA shall, on or before November 1 of each year, make and deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds of the VPSA issued and projected to be issued during such biennium pursuant to the bond resolution referred to in paragraph a above. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.				
e. The Virginia Department of Education and the Virginia Department of the Treasury shall develop recommendations to make Literary Fund construction loans more competitive and attractive to school divisions as a viable source for funding school construction projects. The objective of such recommendations should focus on making such loans valuable to both the Literary Fund and the borrowing localities with a goal of increasing localities' use of loans and increasing the overall health of the Literary Fund. The agencies should consider changes to the Literary Fund loan program and State Board of Education regulations that reflect market-favorable interest rates and provide loan alternatives for localities that are competitive with the Virginia Public School Authority and other construction financing programs. The agencies shall report these recommendations to the Governor and the Chairpersons of the House Appropriations and Senate Finance and Appropriations Committees no later than July 31, 2021.				
12. Educational Technology Payments				
a. Any unobligated amounts transferred to the educational technology fund shall be disbursed on a pro rata basis to localities. The additional funds shall be used for technology needs identified in the division's technology plan approved by the Department of Education.				
b. The Department of Education shall authorize estimated amounts as indicated in Table 1 from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in the referenced years.				
Table 1				
	Grant Year	FY 2021		FY 2022
	2016	\$13,755,000		
	2017	\$13,952,250		\$13,954,500
	2018	\$12,473,250		\$12,469,500
	2019	\$11,978,250		\$11,975,500
	2020	\$11,390,975		\$11,389,500
	2021			\$12,301,025
				\$11,350,673
c. It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for education technology grant programs. In developing the proposed 2022-2024, 2024-2026, and 2026-2028 biennial budgets for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for these programs in fiscal years 2023, 2024, 2025, 2026, and 2027.				
d. 1) An education technology grant program shall be conducted through the Virginia Public School Authority, through the issuance of equipment notes in an amount estimated at \$56,085,200 in fiscal year 2021 and \$57,308,800 \$56,110,800 in fiscal year 2022. Proceeds of the notes will be used to establish a computer-based instructional and testing system for the Standards of Learning (SOL) and to develop the capability for high speed Internet connectivity at high schools followed by middle schools followed by elementary schools. School divisions shall use these funds first to develop and maintain the capability to support the administration of online SOL testing for all students with the exception of students with a documented need for a paper SOL test.				
2) Grant funds from the issuance of \$56,085,200 in fiscal year 2021 and \$57,308,800 \$56,110,800 in fiscal year 2022 in equipment notes are based on a grant of \$26,000 per school and \$50,000 per school division. For purposes of this grant program, eligible schools shall include schools that are subject to state accreditation and reporting membership in grades K through 12 as of September 30, 2020, for the fiscal year 2021 issuance, and September 30,				

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1	2021, for the fiscal year 2022 issuance, as well as regional vocational centers, special				
2	education centers, alternative education centers, regular school year Governor's Schools,				
3	CodeRVA Regional High School, and the School for the Deaf and the Blind. Schools that				
4	serve only pre-kindergarten students shall not be eligible for this grant.				
5	3. a.) Supplemental grants shall be allocated to eligible divisions to support schools that				
6	are not fully accredited in accordance with this paragraph. Schools that include a ninth				
7	grade that administer SOL tests in Spring 2020 and that are not fully accredited for the				
8	second consecutive year, based on school accreditation ratings in effect for fiscal year				
9	2020 and fiscal year 2021 will qualify to participate in the Virginia e-Learning Backpack				
10	Initiative in fiscal year 2021 and receive: (1) a supplemental grant of \$400 per student				
11	reported in ninth grade fall membership in a qualifying school for the purchase of a laptop				
12	or tablet for that student and (2) a supplemental grant of \$2,400 per qualifying school to				
13	purchase two content creation packages for teachers. Schools eligible to receive this				
14	supplemental grant in fiscal year 2021 shall continue to receive the grant for the number of				
15	subsequent years equaling the number of grades 9 through 12 in the qualifying school up				
16	to a maximum of four years. Schools that administer SOL tests in Spring 2021 and that are				
17	not fully accredited for the second consecutive year based on school accreditation ratings				
18	in effect for fiscal year 2021 and fiscal year 2022 will qualify to participate in the				
19	initiative in fiscal year 2022. Schools eligible for the supplemental grants in previous				
20	fiscal years shall continue to be eligible for the remaining years of their grant award.				
21	Schools eligible to receive this supplemental grant in fiscal year 2022 shall continue to				
22	receive the grant for the number of subsequent years equaling the number of grades 9				
23	through 12 in the qualifying school up to a maximum of four years. Grants awarded to				
24	qualifying schools that do not have grades 10, 11, or 12 may transition with the students to				
25	the primary receiving school for all years subsequent to grade 9. Schools are eligible to				
26	receive these grants for a period of up to four years beginning in fiscal year 2014 and shall				
27	not be eligible to receive a separate award in the future once the original award period has				
28	concluded. Schools that are fully accredited or that are new schools with conditional				
29	accreditation in their first year shall not be eligible to receive this supplemental grant.				
30	b.) Supplemental grants allocated to school divisions for participation in the Virginia e-				
31	Learning Backpack Initiative prior to fiscal year 2017 shall be used in eligible schools for				
32	(1) the purchase of a laptop or tablet for a student reported in ninth grade fall membership,				
33	and (2) the purchase of two content creation packages for teachers per grant. The amounts				
34	for such grants shall remain unchanged.				
35	4) Required local match:				
36	a) Localities are required to provide a match for these funds equal to 20 percent of the				
37	grant amount, including the supplemental grants provided pursuant to paragraph g. 5). At				
38	least 25 percent of the local match, including the match for supplemental grants, shall be				
39	used for teacher training in the use of instructional technology, with the remainder spent				
40	on other required uses. The Superintendent of Public Instruction is authorized to reduce				
41	the required local match for school divisions with a composite index of local ability-to-pay				
42	below 0.2000. The Virginia School for the Deaf and the Blind is exempt from the match				
43	requirement.				
44	b) School divisions that administer 100 percent of SOL tests online in all elementary,				
45	middle, and high schools may use up to 75 percent of their required local match to				
46	purchase targeted technology-based interventions. Such interventions may include the				
47	necessary technology and software to support online learning, technology-based content				
48	systems, content management systems, technology equipment systems, information and				
49	data management systems, and other appropriate technologies that support the individual				
50	needs of learners. School divisions that receive supplemental grants pursuant to paragraph				
51	g.5) above shall use the funds in qualifying schools to purchase laptops and tablets for				
52	ninth grade students reported in fall membership and content creation packages for				
53	teachers.				
54	5) The goal of the education technology grant program is to improve the instructional,				
55	remedial, and testing capabilities of the Standards of Learning for local school divisions				
56	and to increase the number of schools achieving full accreditation.				
57	6) Funds shall be used in the following manner:				

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1	a) Each division shall use funds to reach a goal, in each high school, of: (1) a 5-to-1 student to				
2	computer ratio; (2) an Internet-ready local area network (LAN) capability; and (3) high speed				
3	access to the Internet. School connectivity (computers, LANs and network access) shall				
4	include sufficient download/upload capability to ensure that each student will have adequate				
5	access to Internet-based instructional, remedial and assessment programs.				
6	b) When each high school in a division meets the goals established in paragraph a) above, the				
7	remaining funds shall be used to develop similar capability in first the middle schools and				
8	then the elementary schools.				
9	c) For purposes of establishing or enhancing a computer-based instructional program				
10	supporting the Standards of Learning pursuant to paragraph g. 1) above, these grant funds				
11	may be used to purchase handheld multifunctional computing devices that support a broad				
12	range of applications and that are controlled by operating systems providing full multimedia				
13	support and mobile Internet connectivity. School divisions that elect to use these grant funds				
14	to purchase such qualifying handheld devices must continue to meet the on-line testing				
15	requirements stated in paragraph g. 1) above.				
16	d) School divisions shall be eligible to receive supplemental grants pursuant to paragraph g.5)				
17	above. These supplemental grants shall be used in qualifying schools for the purchase of				
18	laptops and tablets for ninth grade students reported in fall membership and content creation				
19	packages for teachers. Participating school divisions will be required to select a core set of				
20	electronic textbooks, applications and online services for productivity, learning management,				
21	collaboration, practice, and assessment to be included on all devices. In addition, participating				
22	school divisions will assume recurring costs for electronic textbook purchases and				
23	maintenance.				
24	e) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school				
25	divisions became one school division, whether by consolidation of only the school divisions				
26	or by consolidation of the local governments, such resulting division shall be provided				
27	funding through this program on the basis of having the same number of school divisions as				
28	existed prior to September 30, 2000.				
29	7) Local school divisions shall maximize the use of available federal funds, including E-Rate				
30	Funds, and to the extent possible, use such funds to supplement the program and meet the				
31	goals of this program.				
32	e. The Department of Education shall maintain criteria to determine if high schools, middle				
33	schools, or elementary schools have the capacity to meet the goals of this initiative. The				
34	Department of Education shall be responsible for the project management of this program.				
35	f. 1) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public				
36	School Authority (VPSA) issued for the purpose described in § 22.1-166.2, Code of Virginia,				
37	and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of				
38	Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less				
39	than the amounts authorized for debt service due on such bonds or notes of the VPSA on such				
40	date, there is hereby appropriated to the VPSA from the general fund a sum equal to such				
41	deficiency.				
42	2) The Chairman of the Board of Commissioners of the VPSA shall, on or before November 1				
43	of each year, make and deliver to the Governor and the Secretary of Finance a certificate				
44	setting forth his estimate of total debt service during each fiscal year of the biennium on				
45	bonds and notes of the VPSA issued and projected to be issued during such biennium				
46	pursuant to the resolution referred to in paragraph 1) above. The Governor's budget				
47	submission each year shall include provisions for the payment of debt service pursuant to				
48	paragraph 1) above.				
49	g. Unobligated proceeds of the notes, including investment income derived from the proceeds				
50	of the notes may be used to pay interest on, or to decrease principal of the notes or to fund a				
51	portion of such other educational technology grants as authorized by the General Assembly.				
52	h. 1) For the purposes of § 56-232, Code of Virginia, "Contracts of Telephone Companies				
53	with State Government" and for the purposes of § 56-234 "Contracts for Service Rendered by				
54	a Telephone Company for the State Government" shall be deemed to include communications				

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1	lines into public schools which are used for educational technology. The rate structure for				
2	such lines shall be negotiated by the Superintendent of Public Instruction and the Chief				
3	Information Officer of the Virginia Information Technologies Agency. Further, the				
4	Superintendent and Director are authorized to encourage the development of "by-pass"				
5	infrastructure in localities where it fails to obtain competitive prices or prices consistent				
6	with the best rates obtained in other parts of the state.				
7	2) The State Corporation Commission, in its consideration of the discount for services				
8	provided to elementary schools, secondary schools, and libraries and the universal service				
9	funding mechanisms as provided under § 254 of the Telecommunications Act of 1996, is				
10	hereby encouraged to make the discounts for intrastate services provided to elementary				
11	schools, secondary schools, and libraries for educational purposes as large as is prudently				
12	possible and to fund such discounts through the universal fund as provided in § 254 of the				
13	Telecommunications Act of 1996. The commission shall proceed as expeditiously as				
14	possible in implementing these discounts and the funding mechanism for intrastate				
15	services, consistent with the rules of the Federal Communications Commission aimed at				
16	the preservation and advancement of universal service.				
17	13. Security Equipment Payments				
18	1) A security equipment grant program shall be conducted through the Virginia Public				
19	School Authority, through the issuance of equipment notes in an amount estimated at up to				
20	\$12,000,000 in fiscal year 2021 and \$12,000,000 in fiscal year 2022 in conjunction with				
21	the Virginia Public School Authority technology notes program authorized in C.12. of this				
22	Item. Proceeds of the notes will be used to help offset the related costs associated with the				
23	purchase of appropriate security equipment that will improve and help ensure the safety of				
24	students attending public schools in Virginia.				
25	2) The Department of Education shall authorize estimated amounts as indicated in Table 1				
26	from the Literary Fund to provide debt service payments for the security equipment grant				
27	programs conducted through the Virginia Public School Authority in the referenced years.				
28	Table 1				
29		Grant Year	FY 2021	FY 2022	
30		2016	\$1,233,750		
31		2017	\$1,246,000	\$1,249,500	
32		2018	\$1,273,500	\$1,273,500	
33		2019	\$1,258,500	\$1,261,750	
34		2020	\$2,430,288	\$2,430,750	
35		2021		\$2,565,690	
36				\$2,429,780	
37	3) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues				
38	to pay debt service on the Virginia Public School Authority bonds or notes authorized for				
39	this program. In developing the proposed 2022-2024, 2024-2026, and 2026-2028 biennial				
40	budgets for public education, the Department of Education shall include a				
41	recommendation to the Governor to authorize sufficient Literary Fund revenues to make				
42	debt service payments for these programs in fiscal years 2023, 2024, 2025, 2026, and				
43	2027.				
44	4) In the event that, on any scheduled payment date of bonds or notes of the Virginia				
45	Public School Authority issued for the purpose described in § 22.1-166.2, Code of				
46	Virginia, and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v),				
47	Code of Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary				
48	Fund are less than the amounts authorized for debt service due on such bonds or notes on				
49	such date, there is hereby appropriated to the Virginia Public School Authority from the				
50	general fund a sum equal to such deficiency.				
51	5) The Chairman of the Board of Commissioners of the Virginia Public School Authority				
52	shall, on or before November 1 of each year, deliver to the Governor and the Secretary of				
53	Finance a certificate setting forth his estimate of total debt service during each fiscal year				
54	of the biennium on bonds and notes issued and projected to be issued during such				

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1	biennium. The Governor's budget submission each year shall include provisions for the				
2	payment of debt service pursuant to paragraph 1) above.				
3	6) Grant award funds from the issuance of up to \$12,000,000 in fiscal year 2021 and				
4	\$12,000,000 in fiscal year 2022 in equipment notes shall be distributed to eligible school				
5	divisions. The grant awards will be based on a competitive grant basis of up to \$250,000 per				
6	school division. School divisions will be permitted to apply annually for grant funding. For				
7	purposes of this program, eligible schools shall include schools that are subject to state				
8	accreditation and reporting membership in grades K through 12 as of September 30, 2020, for				
9	the fiscal year 2021 issuance, and September 30, 2021, for the fiscal year 2022 issuance, as				
10	well as regional vocational centers, special education centers, alternative education centers,				
11	regular school year Governor's Schools, and the Virginia School for the Deaf and the Blind.				
12	7) School divisions would submit their application to Department of Education by August 1				
13	of each year based on the criteria developed by the Department of Education in collaboration				
14	with the Department of Criminal Justice Services who will provide requested technical				
15	support. Furthermore, the Department of Education will have the authority to make such grant				
16	awards to such school divisions.				
17	8) It is also the intent of the General Assembly that, beginning with fiscal year 2020, the total				
18	amount of the grant awards shall not exceed \$60,000,000 over any ongoing revolving five				
19	year period.				
20	9) Required local match:				
21	a) Localities are required to provide a match for these funds equal to 25 percent of the grant				
22	amount. The Superintendent of Public Instruction is authorized to reduce the required local				
23	match for school divisions with a composite index of local ability-to-pay below 0.2000. The				
24	Virginia School for the Deaf and the Blind is exempt from the match requirement.				
25	b) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school				
26	divisions became one school division, whether by consolidation of only the school divisions				
27	or by consolidation of the local governments, such resulting division shall be provided				
28	funding through this program on the basis of having the same number of school divisions as				
29	existed prior to September 30, 2000.				
30	c) Local school divisions shall maximize the use of available federal funds, including E-Rate				
31	Funds, and to the extent possible, use such funds to supplement the program and meet the				
32	goals of this program.				
33	14. Virginia Preschool Initiative Payments				
34	a.1) It is the intent of the General Assembly that a payment estimated at \$55,805,681 the first				
35	year and \$107,086,043 \$85,161,919 the second year from the general fund and \$16,600,000				
36	the first year from federal funds shall be disbursed by the Department of Education to schools				
37	and community-based organizations to provide quality preschool programs for at-risk four-				
38	year-olds who are residents of Virginia and unserved by Head Start program funding and for				
39	at-risk five-year-olds who are not eligible to attend kindergarten.				
40	2) These state funds and required local matching funds shall be used to provide programs for				
41	at-risk four-year-old children, which include quality preschool education, health services,				
42	social services, parental involvement and transportation. It shall be the policy of the				
43	Commonwealth that state funds and required local matching funds for the Virginia Preschool				
44	Initiative not be used for capital outlay, not be used to supplant any Head Start federal funds				
45	provided for local early education programs, and not be used until the local Head Start grantee				
46	certifies that all local Head Start slots are filled. Programs must provide full-day or half-day				
47	and, at least, school-year services.				
48	3) The Department of Education shall establish academic standards that are in accordance				
49	with appropriate preparation for students to be ready to successfully enter kindergarten. These				
50	standards shall be established in such a manner as to be measurable for student achievement				
51	and success. Students shall be required to be evaluated in the fall and in the spring by each				
52	participating school division and the school divisions must certify that the Virginia Preschool				
53	Initiative program follows the established standards in order to receive the funding for quality				
54	preschool education and criteria for the service components. Such standards shall align with				

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1	the Virginia Standards of Learning for Kindergarten.				
2	4) a) Grants shall be distributed based on an allocation formula providing the state share of				
3	a \$6,326 per pupil grant in the first year and a \$7,655 per pupil grant in the second year for				
4	100 percent of the unserved at-risk four-year-olds in each locality for a full-day program.				
5	The number of unserved at-risk four-year-olds in each locality shall be based on the				
6	projected number of kindergarten students, updated once each biennium for the				
7	Governor's introduced biennial budget. Grants to half-day programs shall be funded based				
8	on the state share of \$3,163 in the first year and \$3,828 in the second year per unserved at-				
9	risk four-year-old in each locality.				
10	b) Out of this appropriation, \$6,117,049 \$5,487,917 the second year from the general fund				
11	is provided to serve at-risk three-year-olds who are residents of Virginia and unserved by				
12	Head Start funding on a pilot basis using criteria as determined by the Department of				
13	Education. Localities may apply to participate in the pilot by May 15 each year and shall				
14	be selected on a competitive basis. Pilot providers shall be required to: (i) demonstrate				
15	broad stakeholder support, (ii) track outcomes for participating children, (iii) demonstrate				
16	how they will maximize federal and state funds to preserve existing birth to five slots,				
17	including certifying that all local Head Start slots are filled, (iv) support inclusive				
18	practices of children with identified special needs, and (v) collaborate among the school				
19	division, local department of social services, programs accepting child care subsidy				
20	payments, and providers for Head Start, private child care, and early childhood special				
21	education and early intervention programs. In addition, localities shall be selected using				
22	other criteria that include prioritizing: (i) communities with limited child care options; (ii)				
23	programs serving children in private, mixed-delivery settings; or (iii) communities that				
24	demonstrate full support of public and private providers. Grants shall be distributed based				
25	on an allocation formula providing the state share of a \$7,655 per pupil grant in the second				
26	year. Grants to half-day programs shall be funded based on the state share of \$3,828 in the				
27	second year.				
28	c) Full-day programs shall operate for a minimum of five and one-half instructional hours,				
29	excluding breaks for meals, and half-day programs shall operate for a minimum of three				
30	hours of classroom instructional time per day, excluding breaks for lunch. Virginia				
31	Preschool Initiative programs may include unstructured recreational time that is intended				
32	to develop teamwork, social skills, and overall physical fitness in any calculation of total				
33	instructional time, provided that such unstructured recreational time does not exceed 15				
34	percent of total instructional time or teaching hours. No additional state funding is				
35	provided for programs operating greater than three hours per day but less than five and				
36	one-half hours per day. In determining the state and local shares of funding, the composite				
37	index of local ability-to-pay is capped at 0.5000.				
38	d) For new programs in the first year of implementation only, programs operating less				
39	than a full school year shall receive state funds on a fractional basis determined by the				
40	pro-rata portion of a school year program provided. In determining the prorated state				
41	funds to be received, a school year shall be 180 days or 990 teaching hours.				
42	e) To ensure children with special needs have equitable opportunity to enter kindergarten				
43	ready, all Virginia Preschool Initiative programs are expected to be inclusive of children				
44	with disabilities. Specifically, programs shall meet or exceed a target inclusion rate, such				
45	that 10 percent of all children participating in the Virginia Preschool Initiative are children				
46	with disabilities, defined as those with an Individualized Education Plan, and are served in				
47	inclusive classrooms that include children who do not have an Individualized Education				
48	Plan. A program that is unable to meet this target shall provide reasons a 10 percent				
49	inclusion rate was not achieved in the given school year in its annual comprehensive				
50	report.				
51	b.1) Any locality that desires to participate in this grant program must submit a proposal				
52	through its chief administrator (county administrator or city manager) by May 15 of each				
53	year. The chief administrator, in conjunction with the school superintendent, shall identify				
54	a lead agency for this program within the locality. The lead agency shall be responsible for				
55	developing a local plan for the delivery of quality preschool services to at-risk children,				
56	which demonstrates the coordination of resources and the combination of funding streams				
57	in an effort to serve the greatest number of at-risk four-year-old children. Starting in fiscal				

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1	year 2022, localities may apply for additional funds to serve at-risk three-year-old children on				
2	a pilot basis.				
3	2) The proposal must demonstrate coordination with all parties necessary for the successful				
4	delivery of comprehensive services, including the schools, child care providers, local social				
5	services agency, Head Start, local health department, and other groups identified by the lead				
6	agency. The proposal must identify which entities were consulted and how the locality will				
7	ensure that federal funds are preserved and maximized including demonstrating compliance				
8	with Title I of the federal Elementary and Secondary Education Act to ensure that a Local				
9	Educational Agency receiving Title I funding coordinates with Head Start programs and other				
10	early learning programs receiving federal funds by developing Memorandums of				
11	Understanding with such agencies to coordinate services. The proposal must also demonstrate				
12	a plan for supporting inclusive practices for children with identified special needs.				
13	3) A local match, based on the composite index of local ability-to-pay, shall be required. For				
14	purposes of meeting the local match, localities may use local expenditures for existing				
15	qualifying programs, however, at least fifty percent of the local match will be cash and no				
16	more than fifty percent will be in-kind. In-kind contributions are defined as cash outlays that				
17	are made by the locality that benefit the program but are not directly charged to the program.				
18	The value of fixed assets cannot be considered as an in-kind contribution. Philanthropic or				
19	other private funds may be contributed to the locality to be appropriated in their local budget				
20	and then utilized as local match. Localities shall also continue to pursue and coordinate other				
21	funding sources, including child care subsidies. Funds received through this program must be				
22	used to supplement, not supplant, any funds currently provided for programs within the				
23	locality. However, in the event a locality is unable to continue the previous level of support to				
24	programs for at-risk four-year-olds from Title I of the federal Elementary and Secondary				
25	Education Act (ESEA), the state and local funds provided in this grants program may be used				
26	to continue services to these Title I students. Such inability may occur due to adjustments to				
27	the allocation formula in the reauthorization of ESEA as the Every Student Succeeds Act of				
28	2015, or due to a percentage reduction in a locality's Title I allocation in a particular year. Any				
29	locality so affected shall provide written evidence to the Superintendent of Public Instruction				
30	and request his approval to continue the services to Title I students.				
31	c. Local plans must provide clear methods of service coordination for the purpose of reducing				
32	the per child cost for the service, increasing the number of at-risk children served and/or				
33	extending services for the entire year. Examples of these include:				
34	1) "Wraparound Services" -- methods for combining funds such as child care subsidy dollars				
35	administered by local social service agencies with dollars for quality preschool education				
36	programs.				
37	2) "Wrap-out Services" - methods for using grant funds to purchase quality preschool services				
38	to at-risk four-year-old children through an existing child care setting by purchasing				
39	comprehensive services within a setting which currently provides quality preschool education.				
40	3) "Expansion of Service" - methods for using grant funds to purchase slots within existing				
41	programs, such as Head Start, which provides comprehensive services to at-risk three- and				
42	four-year-old children.				
43	d. Local plans must indicate the number of at-risk four-year-old children to be served, and the				
44	eligibility criteria for participation in this program shall be consistent with the economic and				
45	educational risk factors stated in the 2015-2016 programs guidelines that are specific to: (i)				
46	family income at or below 200 percent of federal poverty guidelines, (ii) homelessness, (iii)				
47	student's parents or guardians are school dropouts, or (iv) family income is above 200 percent				
48	but at or below 350 percent of federal poverty guidelines in the case of students with special				
49	needs or disabilities. Up to 15 percent of a division's slots may be filled based on locally				
50	established eligibility criteria so as to meet the unique needs of at-risk children in the				
51	community. If applicable, local plans must also indicate the number of at-risk three-year-old				
52	children to be served using the same eligibility criteria listed above. Localities that can				
53	demonstrate that more than 15 percent of slots are needed to meet the needs of at-risk children				
54	in their community may apply for a waiver from the Superintendent of Public Instruction to				
55	use a larger percentage of their slots. Localities must demonstrate that increasing eligibility				
56	will enable the maximization of federal funds and will not have a negative impact on access				
57	for other individuals currently being served.				

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1	e.1) The Department of Education shall provide technical assistance for the administration				
2	of this grant program to provide assistance to localities in developing a comprehensive,				
3	coordinated, quality preschool program that prepares all participants for kindergarten.				
4	2) The Department shall provide interested localities with information on models for				
5	service delivery, methods of coordinating funding streams, such as funds to match federal				
6	IV-A child care dollars, to maximize funding without supplanting existing sources of				
7	funding for the provision of services to at-risk three- and four-year-old children. A priority				
8	for technical assistance in the design of programs shall be given to localities where the				
9	majority of the at-risk three- and four-year-old population is currently unserved.				
10	f. The Department of Education shall include in the program's application package specific				
11	information regarding the potential availability of funding for supplemental grants that				
12	may be used for one-time expenses, other than capital, related to start-up or expansion of				
13	programs, with priority given to proposals for expanding the use of partnerships with				
14	either nonprofit or for-profit providers. Furthermore, the Department is mandated to				
15	communicate to all eligible school divisions the remaining available balances in the				
16	program's adopted budget, after the fall participation reports have been submitted and				
17	finalized for such grants.				
18	g. Out of this appropriation, \$3,285,258 \$966,504 the second year from the general fund is				
19	provided to support Virginia Preschool Initiative slots to serve children on wait lists. In				
20	each year, unused grants distributed as provided in paragraph C.14.a.4. of this Item shall				
21	be redistributed based on guidelines established by the Department of Education subject to				
22	the appropriation available for this purpose. Such guidelines shall provide the criteria used				
23	to redistribute grants and provide for the notification of grants redistribution to programs				
24	no later than July 1 of each year. The Department shall conduct this process annually, and				
25	the redistribution shall not affect the allocation formula for the subsequent year.				
26	h.1) Out of this appropriation, \$4,886,000 \$2,501,500 the second year from the general				
27	fund is provided to support an add-on grant per child for approximately 2,000 children to				
28	incentivize mixed-delivery of services through private providers. These add-on grants are				
29	intended to provide funds to minimize the difference between the amount of the per-pupil				
30	grant allocation and the per-pupil cost to serve a child in a community-based or private				
31	provider setting. Recipients of the add-on grants will be encouraged to support classrooms				
32	that support inclusive practices of children with special needs. Localities shall indicate in				
33	their plans submitted pursuant to C.14.b.1 of this Item how many of their Virginia				
34	Preschool Initiative slots will be provided in community-based or private provider settings				
35	to receive the add-on grant.				
36	2) The amount of these add-on grants shall vary by region and provide a grant of: (i)				
37	\$3,500 per child for divisions in Planning District 8, (ii) \$2,500 per child for divisions in				
38	Planning District 15, Planning District 23, and for the counties of Stafford, Fauquier,				
39	Spotsylvania, Clarke, Warren, Frederick, and Culpeper and the Cities of Fredericksburg				
40	and Winchester, and (iii) \$1,500 per child in any other division.				
41	3) The Department of Education shall develop a plan to determine the magnitude of the				
42	gap between regional prevailing child care market rates and the Virginia Preschool				
43	Initiative per pupil amount. The Department shall establish a schedule designating the				
44	amount of the add-on grants for each school division for fiscal year 2023. The amount of				
45	the add-on grant plus the Virginia Preschool Initiative per pupil amount shall not exceed				
46	prevailing child care market rates in a particular region. The Department shall report on				
47	the established schedule to the Chairs of the House Appropriations and Senate Finance				
48	and Appropriations Committees by September 30, 2021.				
49	i. The Department of Education shall develop a plan to determine, recognize, and				
50	biennially rebenchmark the per-student funding amount of the Virginia Preschool				
51	Initiative, similar to the current formula supporting public K-12 education in Virginia. In				
52	developing such plan, the Department shall (i) identify needs to implement such plan,				
53	including reporting from local school divisions, (ii) include relevant stakeholders,				
54	including school division finance staff and local Virginia Preschool Initiative				
55	administrators, (iii) identify any legislative or Appropriation Act amendments necessary				
56	for implementation, and (iv) plan for full implementation to benchmark the per-student				

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1	funding amount of the Virginia Preschool Initiative.				
2	j. Out of this appropriation, \$7,062,088 \$6,693,927 the second year from the general fund is				
3	provided to support increased Virginia Preschool Initiative teacher to student ratios and class				
4	sizes, as follows:				
5	1) Any classroom that exceeds benchmarks set by the Board of Education shall be staffed as				
6	follows: (i) one teacher shall be provided for any class of ten students or less; (ii) if the				
7	enrollment in any class exceeds ten students but does not exceed 20, a full-time teacher's aide				
8	shall be assigned to the class; and (iii) the maximum class size shall be 20 students.				
9	2) All other classrooms shall be staffed as follows: (i) one teacher shall be employed for any				
10	class of nine students or less; (ii) if the enrollment in any class exceeds nine students but does				
11	not exceed 18, a full-time teacher's aide shall be assigned to the class; and (iii) the maximum				
12	class size shall be 18 students.				
13	k. Out of this appropriation, \$306,100 the first year and \$306,100 the second year from the				
14	general fund is allocated for the Department of Education to provide grants of no more than				
15	\$30,000 each for local school divisions that have applied for such funds for the sole purpose				
16	of providing financial incentives to provisionally licensed teachers teaching students enrolled				
17	in the Virginia Preschool Initiative or other publicly-funded preschool programs operated by				
18	the school division and who are actively engaged in coursework and professional				
19	development, toward achieving the required degree and license that satisfy the licensure				
20	requirements reflected in § 22.1-299, Code of Virginia. School divisions must submit				
21	applications to the Department of Education by December 1 of each year. Priority for				
22	awarding grants shall be given to hard-to-staff schools and schools with the highest number of				
23	provisionally licensed teachers teaching students enrolled in the Virginia Preschool Initiative				
24	or other publicly-funded preschool programs operated by the school division. The Department				
25	of Education shall develop the application process to be provided to school divisions that have				
26	provisionally licensed preschool teachers employed and are teaching students enrolled in the				
27	Virginia Preschool Initiative or other publicly-funded preschool programs operated by the				
28	school division.				
29	l. 1.) The Department of Education shall collect information from local Virginia Preschool				
30	Initiative programs and from pilot providers participating in the Virginia Early Childhood				
31	Foundation's pilot Mixed-Delivery Preschool Initiative established in Item 144 as needed to				
32	compile a comprehensive report on the usage of state funds detailing, but not limited to the				
33	number of calculated slots and funding allocated to each local program or pilot provider, and				
34	the number of such slots that have been filled.				
35	2.) Such comprehensive report shall be aggregated in a manner to identify: (i) funding and the				
36	number of slots used to serve a student in a public school and non-public school setting, (ii)				
37	the number of three-year olds served, (iii) waitlist slots requested, offered, and provided, (iv)				
38	the number of students served whose families are at or below 130 percent poverty, above 130				
39	percent but at or below 200 percent of poverty, above 200 percent but at or below 350 percent				
40	of poverty, and above 350 percent of poverty.				
41	3.) Such comprehensive report shall describe the Virginia Preschool Initiative programs'				
42	progress towards the target inclusion rate, such that 10 percent of all children enrolled in each				
43	program are children with disabilities, defined as those with an Individualized Education Plan.				
44	Virginia Preschool Initiative programs shall report the share of children with Individualized				
45	Education Plans in inclusive classrooms annually starting with the 2020-2021 school year. If				
46	the program's current inclusion rate falls below 10 percent, the program shall provide reasons				
47	a 10 percent inclusion rate was not achieved in the given school year and what actions the				
48	program could implement to increase its rate of inclusion in the next year.				
49	4.) Such comprehensive report shall include details regarding any supplemental grants				
50	awarded pursuant to paragraph f.				
51	5.) The Department shall submit such comprehensive report to the Chairs of the House				
52	Appropriations and Senate Finance and Appropriations Committees no later than December				
53	31 each year.				
54	6.) The Department shall develop a plan for comprehensive public reporting on early				

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1	childhood expenditures, outcomes, and program quality to replace this reporting				
2	requirement. Such plan and subsequent reports shall consider the components included in				
3	this reporting requirement, and include all publicly-funded providers as defined in Chapter				
4	860 and Chapter 861, 2020 Acts of Assembly. The plan shall identify any fiscal,				
5	legislative, or regulatory barriers to implementing such public reporting, and shall				
6	consider integration with the Department's School Quality Profiles. Such plan shall be				
7	submitted to the Chairs of the House Appropriations and Senate Finance and				
8	Appropriations Committees by December 1, 2020. In subsequent years, the Department of				
9	Education shall update and submit the report by December 1 of each year.				
10	m. Out of this appropriation, \$2,320,370 the first year and \$2,807,846 the second year				
11	from the general fund is provided to support approximately an additional 609 Virginia				
12	Preschool Initiative slots that were previously filled under the Virginia Preschool Initiative				
13	Plus (VPI Plus). These slots are intended to hold harmless eight school divisions that				
14	participated in VPI Plus during the 2019-2020 school year, by allocating the same number				
15	of slots to those eight school divisions.				
16	n. Out of this appropriation, \$4,994,473 \$2,143,129 the second year from the general fund				
17	is provided as flexible funding available to supplement any of the other initiatives				
18	provided in section C.14 of this item. Additionally, within the fiscal year, any funds				
19	appropriated for Virginia Preschool Initiative Payments that are not awarded may be used				
20	as flexible funding to supplement any of the other initiatives provided in paragraph C.14				
21	of this Item. The Department of Education shall prioritize serving at-risk four-year-old				
22	children when executing the flexibility provisions in this paragraph.				
23	15. Early Reading Intervention Payments				
24	a. An additional payment of \$27,103,087 the first year and \$27,192,313 \$48,725,840 the				
25	second year from the Lottery Proceeds Fund shall be disbursed by the Department of				
26	Education to local school divisions for the purposes of providing early reading				
27	intervention services to students in grades kindergarten through 3 who demonstrate				
28	deficiencies based on their individual performance on diagnostic tests which have been				
29	approved by the Department of Education. The Department of Education shall review the				
30	tests of any local school board which requests authority to use a test other than the state-				
31	provided test to ensure that such local test uses criteria for the early diagnosis of reading				
32	deficiencies which are similar to those criteria used in the state-provided test. The				
33	Department of Education shall make the state-provided diagnostic test used in this				
34	program available to local school divisions. School divisions shall report the results of the				
35	diagnostic tests to the Department of Education on an annual basis at a time to be				
36	determined by the Superintendent of Public Instruction.				
37	b. These payments shall be based on the state's share of the cost of providing two and one-				
38	half hours of additional instruction each week for an estimated number of students in each				
39	school division at a student to teacher ratio of five to one. The estimated number of				
40	students in each school division in each year shall be determined by multiplying the				
41	projected number of students reported in each school division's fall membership in grades				
42	kindergarten, 1, 2, and 3 by the percent of students who are determined to need services				
43	based on diagnostic tests administered in the most recent year that data is available in that				
44	school division and adjusted in the following manner:				
45		Year 1		Year 2	
46	Kindergarten	100%		100%	
47	Grade 1	100%		100%	
48	Grade 2	100%		100%	
49	Grade 3	100%		100%	
50	c. These payments are available to any school division that certifies to the Department of				
51	Education that an intervention program will be offered to such students and that each				
52	student who receives an intervention will be assessed again at the end of that school year.				
53	At the beginning of the school year, local school divisions shall partner with the parents of				
54	those third grade students in the division who demonstrate reading deficiencies, discussing				
55	with them a developed plan for remediation and retesting. Such intervention programs, at				
56	the discretion of the local school division, may include, but not be limited to, the use of:				

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1	special reading teachers; trained aides; full-time early literacy tutors; volunteer tutors under				
2	the supervision of a certified teacher; computer-based reading tutorial programs; aides to				
3	instruct in-class groups while the teacher provides direct instruction to the students who need				
4	extra assistance; or extended instructional time in the school day or year for these students.				
5	Localities receiving these payments are required to match these funds based on the composite				
6	index of local ability-to-pay.				
7	d. In the event that a school division does not use the diagnostic test provided by the				
8	Department of Education in the year that serves as the basis for updating the funding formula				
9	for this program but has used it in past years, the Department of Education shall use the most				
10	recent data available for the division for the state-provided diagnostic test.				
11	e. The results of all reading diagnostic tests and reading remediation shall be discussed with				
12	the student and the student's parent prior to the student being promoted to grade four.				
13	f. Funds appropriated for Standards of Quality Prevention, Intervention, and Remediation,				
14	Remedial Summer School, or At-Risk Add-On may also be used to meet the requirements of				
15	this program.				
16	16. Standards of Learning Algebra Readiness Payments				
17	a. An additional payment of \$15,213,962 the first year and \$15,248,151 \$14,825,335 the				
18	second year from the Lottery Proceeds Fund shall be disbursed by the Department of				
19	Education to local school divisions for the purposes of providing math intervention services to				
20	students in grades 6, 7, 8 and 9 who are at-risk of failing the Algebra I end-of-course test, as				
21	demonstrated by their individual performance on diagnostic tests which have been approved				
22	by the Department of Education. These amounts reflect \$200,000 the first year and \$200,000				
23	the second year apportioned to each school division to account for the cost of the diagnostic				
24	test. The Department of Education shall review the tests to ensure that such local test uses				
25	state-provided criteria for diagnosis of math deficiencies which are similar to those criteria				
26	used in the state-provided test. The Department of Education shall make the state-provided				
27	diagnostic test used in this program available to local school divisions. School divisions shall				
28	report the results of the diagnostic tests to the Department of Education on an annual basis at a				
29	time to be determined by the Superintendent of Public Instruction.				
30	b. These payments shall be based on the state's share of the cost of providing two and one-half				
31	hours of additional instruction each week for an estimated number of students in each school				
32	division at a student to teacher ratio of ten to one. The estimate number of students in each				
33	school division shall be determined by multiplying the projected number of students reported				
34	in each school division's fall membership by the percent of students that qualify for the				
35	federal Free Lunch Program.				
36	c. These payments are available to any school division that certifies to the Department of				
37	Education that an intervention program will be offered to such students and that each student				
38	who receives an intervention will be assessed again at the end of that school year. Localities				
39	receiving these payments are required to match these funds based on the composite index of				
40	local ability-to-pay.				
41	17. School Construction Grants Program Escrow				
42	Notwithstanding the requirements of § 22.1-175.5, Code of Virginia, school divisions are				
43	permitted to withdraw funds from local escrow accounts established pursuant to § 22.1-175.5				
44	to pay for recurring operational expenses incurred by the school division. Localities are not				
45	required to provide a local match of the withdrawn funds.				
46	18. English as a Second Language Payments				
47	A payment of \$74,642,794 the first year and \$82,592,805 \$85,457,403 the second year from				
48	the general fund shall be disbursed by the Department of Education to local school divisions				
49	to support the state share of 18.5 professional instructional positions per 1,000 students in the				
50	first year and 20 professional instructional positions per 1,000 students in the second year for				
51	whom English is a second language. Local school divisions shall provide a local match based				
52	on the composite index of local ability-to-pay.				
53	19. Special Education Instruction Payments				

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1	a. The Department of Education shall establish rates for all elements of Special Education				
2	Instruction Payments.				
3	b. Out of the appropriations in this Item, the Department of Education shall make				
4	available, subject to implementation by the Superintendent of Public Instruction, an				
5	amount estimated at \$98,152,929 the first year and \$101,152,929 \$76,776,448 the second				
6	year from the Lottery Proceeds Fund for the purpose of the state's share of the tuition rates				
7	for approved public Special Education Regional Tuition school programs.				
8	Notwithstanding any contrary provision of law, the state's share of the tuition rates shall be				
9	based on the composite index of local ability-to-pay.				
10	c.1. Out of the amounts for Financial Assistance for Categorical Programs, \$36,591,267				
11	the first year and \$37,546,662 the second year from the general fund is appropriated to				
12	permit the Department of Education to enter into agreements with selected local school				
13	boards for the provision of educational services to children residing in certain hospitals,				
14	clinics, and detention homes by employees of the local school boards. The portion of these				
15	funds provided for educational services to children residing in local or regional detention				
16	homes shall only be determined on the basis of children detained in such facilities through				
17	a court order issued by a court of the Commonwealth. The selection and employment of				
18	instructional and administrative personnel under such agreements will be the				
19	responsibility of the local school board in accordance with procedures as prescribed by the				
20	local school board. State payments for the first year to the local school boards operating				
21	these programs will be based on certified expenditures from the fourth quarter of FY 2020				
22	and the first three quarters of FY 2021. State payments for the second year to the local				
23	school boards operating these programs will be based on certified expenditures from the				
24	fourth quarter of FY 2021 and the first three quarters of FY 2022.				
25	2. The Board of Education shall make recommendations for: (i) appropriate staffing and				
26	funding levels necessary for State Operated Programs (SOP) in regional and local				
27	detention centers to provide a quality education program; (ii) implementation of				
28	appropriate efficiencies in staffing practices in such programs; (iii) statutory and				
29	regulatory changes needed to implement the Board's findings; and (iv) appropriate				
30	programs to redirect any potential savings realized from implementation of the Board's				
31	findings.				
32	In developing such recommendations, the Board shall consider: (i) the dramatic decrease				
33	in the Average Daily Population in detention centers over the course of two decades				
34	without a comparable decrease in state funding; (ii) establishing a system-wide staffing				
35	ratio that is comparable to those provided in Regional Alternative Education Programs and				
36	aligned with the staffing requirements provided in the federal Prison Rape Elimination				
37	Act; (iii) implementing efficiencies, such as sharing SOP instructional staff with				
38	participating school divisions, hiring part-time teachers and dually-certified teachers and				
39	principals, and utilizing a lead teacher in lieu of a full-time principal in programs with a				
40	low average daily population; (iv) changes to SOP operating agreements to facilitate more				
41	efficient staffing practices and to clarify the role of the state and school divisions in hiring				
42	and supervising SOP instructional staff; (v) increasing the use of enhanced distance				
43	learning; and (vi) the draft recommendations deliberated by the Commission on Youth				
44	from the 2020 study.				
45	The Board shall convene a workgroup to assist in the development of such findings and				
46	recommendations and shall include staff members from the Senate Finance and				
47	Appropriations Committee, House Appropriations Committee, Department of Planning				
48	and Budget, the Virginia Department of Education, the Department of Juvenile Justice, the				
49	President of the Virginia Juvenile Detention Association or his/her designee, the Chair of				
50	the Virginia Commission on Youth or his/her designee, and other representatives the				
51	Board deems appropriate. Findings and recommendations shall be reported to the Chairs				
52	of the House Appropriations Committee and the Senate Finance and Appropriations				
53	Committee by November 1, 2021.				
54	20. Vocational Education Instruction Payments				
55	a. It is the intention of the General Assembly that the Department of Education explore				
56	initiatives that will encourage greater cooperation between jurisdictions and the Virginia				

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1	Community College System in meeting the needs of public school systems.				
2	b. This appropriation includes \$1,800,000 the first year and \$1,800,000 the second year from				
3	the Lottery Proceeds Fund for secondary vocational-technical equipment. A base allocation of				
4	\$2,000 each year shall be available for all divisions, with the remainder of the funding				
5	distributed on the basis of student enrollment in secondary vocational-technical courses. State				
6	funds received for secondary vocational-technical equipment must be used to supplement, not				
7	supplant, any funds currently provided for secondary vocational-technical equipment within				
8	the locality. Local school divisions are not required to provide a local match in order to				
9	receive these state funds.				
10	c.1) This appropriation includes an additional \$2,000,000 the first year and \$2,000,000 the				
11	second year from the Lottery Proceeds Fund to update vocational-technical equipment to				
12	industry standards providing students with classroom experience that translates to the				
13	workforce.				
14	2) Of this amount, \$1,400,000 the first year and \$1,400,000 the second year is provided for				
15	vocational-technical equipment in high-demand, high-skill, and fast-growth industry sectors				
16	as identified by the Virginia Board of Workforce Development and based on data from the				
17	Bureau of Labor Statistics and the Virginia Employment Commission.				
18	3) Of this amount, \$600,000 the first year and \$600,000 the second year will be awarded				
19	based on competitive innovative program grants for high-demand and fast-growth industry				
20	sectors with priority given to state-identified challenged schools, the Governor's Science				
21	Technology, Engineering, and Mathematics (STEM) academies, and the Governor's Health				
22	Science Academies.				
23	d. This appropriation includes \$500,000 the first year and \$500,000 the second year from the				
24	Lottery Proceeds Fund to support credentialing testing materials for students and professional				
25	development for instructors in science, technology, engineering, and mathematics-health				
26	sciences (STEM-H) career and technical education programs.				
27	21. Adult Education Payments				
28	State funds shall be used to reimburse general adult education programs on a fixed cost per				
29	pupil or cost per class basis. No state funds shall be used to support vocational noncredit				
30	courses.				
31	22. General Education Payments				
32	a. This appropriation includes \$2,410,988 the first year and \$2,410,988 the second year from				
33	the Lottery Proceeds Fund to support Race to GED. Out of this appropriation, \$465,375 the				
34	first year and \$465,375 the second year shall be used for PluggedIn VA.				
35	b. This appropriation includes \$1,387,240 the first year and \$1,387,240 the second year from				
36	the Lottery Proceeds Fund to support Project Graduation and any associated administrative				
37	and contractual service expenditures related to this initiative.				
38	23. Individual Student Alternative Education Program (ISAEP) Payments				
39	Out of this appropriation, \$2,247,581 the first year and \$2,247,581 in the second year from				
40	the Lottery Proceeds Fund shall be provided for the secondary schools' Individual Student				
41	Alternative Education Program (ISAEP), pursuant to Chapter 488 and Chapter 552 of the				
42	1999 Session of the General Assembly.				
43	24. Foster Children Education Payments				
44	a. An additional state payment is provided from the Lottery Proceeds Fund for the prior year's				
45	local operations costs, as determined by the Department of Education, for each pupil not a				
46	resident of the school division providing his education (a) who has been placed in foster care				
47	or other custodial care within the geographical boundaries of such school division by a				
48	Virginia agency, whether state or local, which is authorized under the laws of this				
49	Commonwealth to place children; (b) who has been placed in an orphanage or children's				
50	home which exercises legal guardianship rights; (c) who is a resident of Virginia and has been				
51	placed, not solely for school purposes, in a child-caring institution or group home; or (d) who				

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1	is a student that was formerly in foster care upon reaching 18 years of age but who has not				
2	yet reached 22 years of age. For pupils included in subsection (d), the school division shall				
3	keep an accurate record of the number of days in which such child was enrolled in its				
4	public schools and shall be included in the division's certification provided to the Board of				
5	Education by July 1 each school year per § 22.1-101.1 C, Code of Virginia.				
6	b. This appropriation provides \$13,083,167 the first year and \$11,528,816 \$12,926,842 the				
7	second year from the Lottery Proceeds Fund to support children attending public school				
8	who have been placed in foster care or other such custodial care across jurisdictional lines,				
9	as provided by subsections A and B of § 22.1-101.1, Code of Virginia. To the extent these				
10	funds are not adequate to cover the full costs specified therein, the Department is				
11	authorized to expend unobligated balances in this Item for this support.				
12	25. Sales Tax Payments				
13	a. This is a sum-sufficient appropriation for distribution to counties, cities and towns a				
14	portion of net revenue from the state sales and use tax, in support of the Standards of				
15	Quality (Title 22.1, Chapter 13.2, Code of Virginia) (See the Attorney General's opinion				
16	of August 3, 1982).				
17	b. Certification of payments and distribution of this appropriation shall be made by the				
18	State Comptroller.				
19	c. The distribution of state sales tax funds shall be made in equal bimonthly payments at				
20	the middle and end of each month.				
21	d. Included in this appropriation are the accelerated sales tax revenues attributable to				
22	§58.1-638 B., D., and F.1., Code of Virginia, and collected pursuant to §3-5.06 of this act.				
23	26. Adult Literacy Payments				
24	a. Appropriations in this Item include \$125,000 the first year and \$125,000 the second				
25	year from the general fund for the ongoing literacy programs conducted by Mountain				
26	Empire Community College.				
27	b. Out of this appropriation, the Department of Education shall provide \$100,000 the first				
28	year and \$100,000 the second year from the general fund for the Virginia Literacy				
29	Foundation grants to support programs for adult literacy including those delivered by				
30	community-based organizations and school divisions providing services for adults with 0-				
31	9th grade reading skills.				
32	27. Governor's School Payments				
33	a. Out of the amounts for Governor's School Payments, the Department of Education shall				
34	provide assistance for the state share of the incremental cost of regular school year				
35	Governor's Schools based on each participating locality's composite index of local ability-				
36	to-pay. Participating school divisions must certify that no tuition is assessed to students for				
37	participation in this program.				
38	b.1) Out of the amounts for Governor's School Payments, the Department of Education				
39	shall provide assistance for the state share of the incremental cost of summer residential				
40	Governor's Schools and Foreign Language Academies to be based on the greater of the				
41	state's share of the composite index of local ability-to-pay or 50 percent. Participating				
42	school divisions must certify that no tuition is assessed to students for participation in this				
43	program if they are enrolled in a public school.				
44	2) Out of the amounts for Governor's School Payments, \$41,000 the first year and \$41,000				
45	the second year is provided to support the Hanover Regional Summer Governor's School				
46	for Career and Technical Advancement, which was established pursuant to Chapter 425,				
47	2014 Acts of Assembly, and Chapter 665, 2015 Acts of Assembly.				
48	c. For the Summer Governor's Schools and Foreign Language Academies programs, the				
49	Superintendent of Public Instruction is authorized to adjust the tuition rates, types of				
50	programs offered, length of programs, and the number of students enrolled in order to				
51	maintain costs within the available state and local funds for these programs.				

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1	d. It shall be the policy of the Commonwealth that state general fund appropriations not be				
2	used for capital outlay, structural improvements, renovations, or fixed equipment costs				
3	associated with initiation of existing or proposed Governor's schools. State general fund				
4	appropriations may be used for the purchase of instructional equipment for such schools,				
5	subject to certification by the Superintendent of Public Instruction that at least an equal				
6	amount of funds has been committed by participating school divisions to such purchases.				
7	e. The Board of Education shall not take any action that would increase the state's share of				
8	costs associated with the Governor's Schools as set forth in this Item. This provision shall not				
9	prohibit the Department of Education from submitting requests for the increased costs of				
10	existing programs resulting from updates to student enrollment for school divisions currently				
11	participating in existing programs or for school divisions that begin participation in existing				
12	programs.				
13	f.1) Regular school year Governor's Schools are funded through this Item based on the state's				
14	share of the incremental per pupil cost for providing such programs for each student attending				
15	a Governor's School up to a cap of 1,800 students per Governor's School in the first year and a				
16	cap of 1,800 students per Governor's School in the second year. This incremental per pupil				
17	payment shall be adjusted for the composite index of the school division that counts such				
18	students attending an academic year Governor's School in their March 31 Average Daily				
19	Membership. It is the intent of the General Assembly that this incremental per pupil amount				
20	be in addition to the basic aid per pupil funding provided to the affected school division for				
21	such students. Therefore, local school divisions are encouraged to provide the appropriate				
22	portion of the basic aid per pupil funding to the Governor's Schools for students attending				
23	these programs, adjusted for costs incurred by the school division for transportation,				
24	administration, and any portion of the day that the student does not attend a Governor's				
25	School.				
26	2) Students attending a revolving Academic Year Governor's School program for only one				
27	semester shall be counted as 0.50 of a full-time equivalent student and will be funded for only				
28	fifty percent of the full-year funded per pupil amount. Funding for students attending a				
29	revolving Academic Year program will be adjusted based upon actual September 30th and				
30	January 30th enrollment each fiscal year. For purposes of this Item, revolving programs shall				
31	mean Academic Year Governor's School programs that admit students on a semester basis.				
32	3) Students attending a continuous, non-revolving Academic Year Governor's School				
33	program shall be counted as a full-time equivalent student and will be funded for the full-year				
34	funded per pupil amount. Funding for students attending a continuous, non-revolving				
35	Academic Year Governor's School program will be adjusted based upon actual September				
36	30th student enrollment each fiscal year. For purposes of this Item, continuous, non-revolving				
37	programs shall mean Academic Year Governor's School programs that only admit students at				
38	the beginning of the school year. Fairfax County Public Schools shall not reduce local per				
39	pupil funding for the Thomas Jefferson Governor's School below the amounts appropriated				
40	for the 2003-2004 school year.				
41	g. All regional Governor's Schools are encouraged to provide full-day grades 9 through 12				
42	programs.				
43	h. Out of the appropriation included in paragraph C. 38. of this item, \$1,046,023 \$1,028,911				
44	the second year from the general fund is provided in the Academic Year Governor's School				
45	funding allocation to increase the per pupil amount the second year as an add-on for a				
46	compensation supplement payment equal to 5.0 percent of base pay on July 1, 2021, for				
47	Academic Year Governor's School instructional and support positions.				
48	i. Each Academic Year Governor's School shall set diversity goals for its student body and				
49	faculty, develop a plan to meet said goals in collaboration with community partners at public				
50	meetings, and such goals and plan shall be published on the school's website. Each school				
51	shall submit a report to the Governor by October 1 of each year on its goals and status of				
52	implementing its plan, and such report shall be published on the school's website. The report				
53	shall include, but not be limited to the following: utilization of universal screenings in feeder				
54	divisions; admission processes in place or under consideration that promote access for				
55	historically underserved students; and outreach and communication efforts deployed to recruit				
56	historically underserved students. The report shall include the racial/ethnic make-up and				
57	socioeconomic diversity of its students, faculty, and applicants.				

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1	28. School Nutrition Payments				
2	It is provided that, subject to implementation by the Superintendent of Public Instruction, no disbursement shall be made out of the appropriation for school nutrition to any locality in which the schools permit the sale of competitive foods in food service facilities or areas during the time of service of food funded pursuant to this Item.				
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6	29. School Breakfast Payments				
7	a. Out of this appropriation, \$1,437,082 the first year and \$7,920,136 \$7,816,525 the second year from the Lottery Proceeds Fund is included to continue a state funded incentive program to maximize federal school nutrition revenues and increase student participation in the school breakfast program. These funds are available to any school division as a reimbursement for breakfast meals served that are in excess of the baseline established by the Department of Education. The per meal reimbursement shall be \$0.22; however, the department is authorized, but not required to reduce this amount proportionately in the event that the actual number of meals to be reimbursed exceeds the number on which this appropriation is based so that this appropriation is not exceeded.				
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16	b. In order to receive these funds, school divisions must certify that these funds will be used to supplement existing funds provided by the local governing body and that local funds derived from sources that are not generated by the school nutrition programs have not been reduced or eliminated. The funds shall be used to improve student participation in the school breakfast program. These efforts may include, but are not limited to, reducing the per meal price paid by students, reducing competitive food sales in order to improve the quality of nutritional offerings in schools, increasing access to the school breakfast program, or providing programs to increase parent and student knowledge of good nutritional practices. In no event shall these funds be used to reduce local tax revenues below the level appropriated to school nutrition programs in the prior year. Further, these funds must be provided to the school nutrition programs and may not be used for any other school purpose.				
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28	c.1) Out of this appropriation, \$1,074,000 the first year and \$1,074,000 the second year from the general fund is provided to fund an After-the-Bell Model breakfast program available on a voluntary basis to elementary, middle, and high schools where student eligibility for free or reduced lunch exceeds 45.0 percent for the participating eligible school, and to provide additional reimbursement for eligible meals served in the current traditional school breakfast program at all grade levels in any participating school. The Department of Education is directed to ensure that only eligible schools receive reimbursement funding for participating in the After-the-Bell school breakfast model. The schools participating in the program shall evaluate the educational impact of the models implemented that provide school breakfasts to students after the first bell of the school day, based on the guidelines developed by the Department of Education and submit the required report to the Department of Education no later than August 31 each year.				
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40	2) The Department of Education shall communicate, through Superintendent's Memo, to school divisions the types of breakfast serving models and the criteria that will meet the requirements for this State reimbursement, which may include, but are not limited to, breakfast in the classroom, grab and go breakfast, or a breakfast after first period. School divisions may determine the breakfast serving model that best applies to its students, so long as it occurs after the instructional day has begun. The Department of Education shall monthly transfer to each school division a reimbursement rate of \$0.05 per breakfast meal that meets either of the established criteria in elementary schools and a reimbursement rate of \$0.10 per breakfast meal that meets either of the established criteria in middle or high schools.				
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50	3) No later than July 1 each year, the Department of Education shall provide for a breakfast program application process for school divisions with eligible schools, including guidelines regarding specified required data to be compiled from the prior school year or years and for the upcoming school year program. The number of approved applications shall be based on the estimated number of sites that can be accommodated within the approved funding level. The Department of Education shall set criteria for establishing priority should the number of applications from eligible schools exceed the approved				
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ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	funding level. The reporting requirements must include: chronic absenteeism rates, student				
2	attendance and tardy arrivals, office discipline referrals, student achievement measures,				
3	teachers' and administrators' responses to the impact of the program on student hunger,				
4	student attentiveness, and overall classroom learning environment before and after				
5	implementation, and the financial impact on the division's school food program. Funded				
6	schools that do not provide data by August 31 are subject to exclusion from funding in the				
7	following year. The Department of Education shall collect and compile the results of the				
8	breakfast program and shall submit the report to the Governor and the Chairmen of the House				
9	Appropriations and Senate Finance Committees no later than November 1 following each				
10	school year.				
11	30. Clinical Faculty and Mentor Teacher Program Payments				
12	This appropriation includes \$1,000,000 the first year and \$1,000,000 the second year from the				
13	Lottery Proceeds Fund to be paid to local school divisions for statewide Mentor Teacher				
14	Programs to assist pre-service teachers and beginning teachers to make a successful transition				
15	into full-time teaching. This appropriation also includes \$318,750 the first year and \$318,750				
16	the second year from the general fund for Clinical Faculty programs to assist pre-service				
17	teachers and beginning teachers to make a successful transition into full-time teaching. Such				
18	programs shall include elements which are consistent with the following:				
19	a. An application process for localities and school/higher education partnerships that wish to				
20	participate in the programs;				
21	b. For Clinical Faculty programs only, provisions for a local funding or institutional				
22	commitment of 50 percent, to match state grants of 50 percent;				
23	c. Program plans which include a description of the criteria for selection of clinical faculty				
24	and mentor teachers, training, support, and compensation for clinical faculty and mentor				
25	teachers, collaboration between the school division and institutions of higher education, the				
26	clinical faculty and mentor teacher assignment process, and a process for evaluation of the				
27	programs;				
28	d. The Department of Education shall allow flexibility to local school divisions and higher				
29	education institutions regarding compensation for clinical faculty and mentor teachers				
30	consistent with these elements of the programs; and				
31	e. It is the intent of the General Assembly that no preference between pre-service or beginning				
32	teacher programs be construed by the language in this Item. School divisions operating				
33	beginning teacher mentor programs shall receive equal consideration for funding.				
34	31. Career Switcher/Alternative Licensure Payments				
35	Appropriations in this Item include \$279,983 the first year and \$279,983 the second year from				
36	the general fund to provide grants to school divisions that employ mentor teachers for new				
37	teachers entering the profession through the alternative route to licensure as prescribed by the				
38	Board of Education.				
39	32. Virginia Workplace Readiness Skills Assessment				
40	Appropriations in this Item include \$308,655 the first year and \$308,655 the second year from				
41	the general fund to provide support grants to school divisions for standard diploma graduates.				
42	To provide flexibility, school divisions may use the state grants for the actual assessment or				
43	for other industry certification preparation and testing.				
44	33. Early Reading Specialists Initiative				
45	a. An additional payment of \$1,476,790 the first year and \$1,476,790 the second year from				
46	the general fund shall be disbursed by the Department of Education to qualifying local school				
47	divisions for the purpose of providing a reading specialist for schools with a third grade that				
48	rank lowest statewide on the reading Standards of Learning (SOL) assessments. Funding for a				
49	reading specialist during the 2020-2022 biennium shall be based on the results of the Spring				
50	2019 reading SOL assessments. Such schools shall be eligible to receive the state share of				
51	funding for both years of the biennium. Following certification from a school division that it				
52	will not participate in the program, the Department is authorized to identify additional eligible				

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	schools based upon the list of schools that rank lowest on the Spring 2019 SOL reading				
2	assessment.				
3	b. These payments shall be based on the state's share of the cost of providing one reading				
4	specialist per qualifying school.				
5	c. These payments are available to any school division with a qualifying school that				
6	certifies to the Department of Education that the division has hired a reading specialist to				
7	provide direct services to children reading below grade level in the school to improve				
8	reading achievement for the purpose of creating additional instructional time for reading				
9	specialists to work with students reading below grade level to improve reading				
10	achievement.				
11	d. These payments also are available to any school division with a qualifying school that				
12	certifies to the Department of Education that the division is supporting tuition for				
13	collegiate programs and instruction for currently employed instructional school personnel				
14	to earn the credentials necessary to meet licensure requirements to be endorsed as a				
15	reading specialist.				
16	e. School divisions receiving these payments are required to match these funds based on				
17	the composite index of local ability-to-pay.				
18	f. Within the fiscal year, any funds not awarded from this program may be awarded to				
19	eligible schools under the Math/Reading Instructional Specialist Initiative.				
20	34. Math/Reading Instructional Specialist Initiative				
21	a. Included in this appropriation is \$1,834,538 the first year and \$1,834,538 the second				
22	year from the general fund in additional payments for reading or math instructional				
23	specialists at underperforming schools. From this amount, the state share of one reading or				
24	math specialist shall be provided to local school divisions with schools which rank lowest				
25	statewide on the Spring Standards of Learning (SOL) math or reading assessment.				
26	Funding for one math or reading specialist during the 2020-2022 biennium shall be based				
27	on the results of the Spring 2019 SOL assessments. Such schools shall be eligible to				
28	receive the state share of funding for both years of the biennium. If, following certification				
29	from a school division that it will not participate in the program, the Department is				
30	authorized to identify additional eligible schools based upon the list of schools that rank				
31	lowest on the Spring 2019 SOL math or reading assessment.				
32	b. These payments are available to any school division with a qualifying school that				
33	certifies to the Department of Education that the division has (1) hired a math or reading				
34	instructional specialist, or (2) is supporting tuition for collegiate programs and instruction				
35	for currently employed instructional school personnel to earn the credentials necessary to				
36	meet licensure requirements to be endorsed as a math specialist or a reading specialist.				
37	Localities receiving these payments are required to match these funds based on the				
38	composite index of local ability-to-pay.				
39	c. School divisions that elect to use funding to support tuition for collegiate programs and				
40	instruction for currently employed instructional school personnel pursuant to paragraph b.				
41	shall provide documentation of these costs to the Department of Education prior to				
42	receiving state funds. The Department of Education shall provide state funding for the				
43	lesser of the actual cost or the state share of a math or reading specialist position per				
44	eligible school for funds used in such a manner.				
45	d. The Department of Education is authorized to utilize available funding appropriated to				
46	the Early Reading Specialist Initiative contained in this Item to pay for instructional				
47	specialists at additional eligible schools, or to support tuition for collegiate programs and				
48	instruction for currently employed instructional school personnel at additional eligible				
49	schools to earn the credentials necessary to meet licensure requirements to be endorsed as				
50	an instructional specialist.				
51	e. Within the fiscal year, any funds not awarded from this program may be awarded to				
52	eligible schools under the Early Reading Specialists Initiative.				
53	f. The Department of Education may award prorated state funds for specialist positions				

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	filled after the beginning of the school year.				
2	35. Broadband Connectivity Capabilities				
3	By November 1 each year, school divisions shall report to the Department of Education the				
4	status of broadband connectivity capability of schools in the division on a form to be provided				
5	by the Department. Such report shall include school-level information on the method of				
6	Internet service delivery, the level of bandwidth capacity and the degree such capacity is				
7	sufficient for delivery of school-wide digital resources and instruction, degree of internet				
8	connectivity via Wi-Fi, cost information related to Internet connectivity, data security, and				
9	such other pertinent information as determined by the Department of Education. The				
10	Department shall provide a summary of the division responses in a report to be made				
11	available on its agency Web site.				
12	36. Infrastructure and Operations Per Pupil Funds				
13	a. Out of this appropriation, an amount estimated at \$283,292,382 the first year and				
14	\$276,361,275 the second year from the Lottery Proceeds Fund shall be disbursed by the				
15	Department of Education to local school divisions to support the state share of an estimated				
16	\$417.91 per pupil the first year and \$406.19 per pupil the second year in adjusted March 31				
17	average daily membership. These per pupil amounts are subject to change for the purpose of				
18	payment to school divisions based on the actual March 31 ADM collected each year.				
19	Beginning in the second year, these funds shall be matched by the local government, based on				
20	the composite index of local ability-to-pay. Further, in order to receive this funding, the				
21	locality in which the school division is located shall appropriate these funds solely for				
22	educational purposes and shall not use such funds to reduce total local operating expenditures				
23	for public education below the amount expended by the locality for such purposes in the year				
24	upon which the 2018-20 biennial Standards of Quality expenditure data were based; provided				
25	however that no locality shall be required to maintain a per-pupil expenditure which is greater				
26	than the per pupil amount expended by the locality for such purposes in the year upon which				
27	the 2018-20 biennial Standards of Quality expenditure data were based. The Department of				
28	Education is authorized each year to temporarily suspend Infrastructure and Operations Per				
29	Pupil Allocation payments made to school divisions from Lottery funds to ensure that any				
30	shortfall in Lottery revenue can be accounted for in the remaining Infrastructure and				
31	Operations Per Pupil Allocation payments to be made for the year.				
32	b. From the amounts listed above, funds are provided to ensure that small school divisions				
33	receive an Infrastructure and Operations payment of at least \$200,000 each year. Beginning in				
34	the second year, divisions receiving additional funds for a payment of at least \$200,000 shall				
35	only be required to provide the local match on the per pupil amount distributed in paragraph				
36	C.36.a.				
37	c. Of the amounts listed above, no more than 70 percent the first year and no more than 60				
38	percent the second year shall be used for recurring costs and at least 30 percent the first year				
39	and at least 40 percent the second year shall be spent on nonrecurring expenditures by the				
40	relevant school divisions. Nonrecurring costs shall include school construction, additions,				
41	infrastructure, site acquisition, renovations, school buses, technology, and other expenditures				
42	related to modernizing classroom equipment, and debt service payments on school projects				
43	completed during the last 10 years. <i>The Department of Education shall consider such</i>				
44	<i>nonrecurring expenses by local school divisions from local funds to be credited toward their</i>				
45	<i>required local match under this program.</i>				
46	d. Any lottery funds provided to school divisions from this item that are unexpended as of				
47	June 30, 2021, and June 30, 2022, shall be carried on the books of the locality to be				
48	appropriated to the school division in the following year.				
49	37. Special Education Endorsement Program				
50	a. Notwithstanding § 22.1-290.02, Code of Virginia, out of this appropriation, \$437,186 the				
51	first year and \$437,186 the second year from the general fund is provided for traineeships and				
52	program operation grants that shall be awarded to public Virginia institutions of higher				
53	education to prepare persons who are employed in the public schools of Virginia, state				
54	operated programs, or regional special education centers as special educators with a				
55	provisional license and enrolled either part-time or full-time in programs for the education of				

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	children with disabilities. Applicants shall be graduates of a regionally accredited college				
2	or university.				
3	b. The award of such grants shall be made by the Department of Education, and the				
4	number of awards during any one year shall depend upon the amounts appropriated by the				
5	General Assembly for this purpose. The amount awarded for each traineeship shall be				
6	\$600 for a minimum of three semester hours of course work in areas required for the				
7	special education endorsement to be taken by the applicant during a single semester or				
8	summer session. Only one traineeship shall be awarded to a single applicant in a single				
9	semester or summer session.				
10	38. Compensation Supplement				
11	a. Out of this appropriation, \$233,738,033 \$217,091,983 the second year from the general				
12	fund and \$759,098 \$757,515 the second year from the Lottery Proceeds Fund is provided				
13	for the state share of a payment of a 5.0 percent salary increase effective July 1, 2021 for				
14	funded SOQ instructional and support positions. Funded SOQ instructional positions shall				
15	include the teacher, school counselor, librarian, instructional aide, principal, and assistant				
16	principal positions funded through the SOQ staffing standards for each school division in				
17	the biennium. This amount includes \$1,046,023 \$1,028,911 the second year from the				
18	general fund referenced in paragraph C. 27. h. for the Academic Year Governor's Schools				
19	for the state share of a payment of the following salary increases for instructional and				
20	support positions, and this amount includes \$759,098 \$757,515 the second year from the				
21	Lottery Proceeds Fund referenced in paragraph C. 9. f. 4) for Regional Alternative				
22	Education Programs for the state share of a payment of the following salary increases for				
23	instructional and support positions.				
24	b. It is the intent that the instructional and support position salaries are increased in school				
25	divisions throughout the state by at least an average of 5.0 percent during the biennium.				
26	Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share				
27	of up to a 5.0 percent salary increase the second year for funded SOQ instructional and				
28	support positions, effective July 1, 2021, to school divisions that certify to the Department				
29	of Education the average salary increase that has been or will have been provided during				
30	the 2020-2022 biennium to instructional and support personnel. The state funds for which				
31	the division is eligible to receive shall be matched by the local government, based on the				
32	composite index of local ability-to-pay, which shall be calculated using an effective date				
33	of July 1, 2021, as the basis for the local match requirement for both funded SOQ				
34	instructional and support positions.				
35	c. The state share of funding provided to a school division in support of this compensation				
36	supplement shall be prorated for school divisions that provide less than an average 5.0				
37	percent salary increase during the biennium; however, to access these funds, a school				
38	division must provide at least an average 2.0 percent salary increase during the biennium.				
39	d. This funding is not intended as a mandate to increase salaries.				
40	39. School Meals Expansion				
41	Out of this appropriation, \$4,100,000 \$0 the second year from the general fund is provided				
42	for local school divisions to reduce or eliminate the cost of school breakfast and school				
43	lunch for students who are eligible for reduced price meals under the federal National				
44	School Lunch Program and School Breakfast Program. The Department of Education is				
45	authorized to reduce this amount proportionately so as not to exceed this appropriation.				
46	40. No Loss Funding				
47	Out of this appropriation, \$242,642,957 the first year and \$124,335,526 \$40,820,999 the				
48	second year from the general fund and \$36,000,000 the first year and \$40,000,000 the				
49	second year from the COVID-19 Relief Fund established in § 2.2-115.1, Code of Virginia,				
50	is provided to ensure that no school division loses state funding in the 2020-2022				
51	biennium as compared to that school division's fiscal year 2021 and fiscal year 2022 state				
52	distributions as calculated in Chapter 56, 2020 Acts of Assembly, Special Session I. These				
53	payments account for declines in actual Fall Membership and projected Average Daily				
54	Membership as well as declines in Direct Aid program enrollment or participation during				

ITEM 145.		Item Details(\$)		Appropriations(\$)	
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1	the 2020-2022 biennium as a result of the COVID-19 pandemic. These funds shall support				
2	operational costs of the Standards of Quality, Categorical, Incentive, and Lottery Funded				
3	programs delineated in this Item. In both fiscal years, such payments shall be updated for				
4	technical updates to Direct Aid student enrollments and program participation, as well as any				
5	increased revenue distributions. <i>In the second year, the Department of Education's</i>				
6	<i>calculations for No Loss payments shall account for one-time events that may have artificially</i>				
7	<i>inflated projected data.</i>				
8	42. Alleghany County - Covington City School Division Consolidation Incentive				
9	Out of this appropriation, \$1,200,000 the second year from the general fund is provided as an				
10	incentive for the consolidation of the Alleghany County and Covington City school divisions.				
11	This incentive payment represents the first two installments of five \$600,000 payments as				
12	recommended for this consolidation incentive through the methodology contained in the				
13	Study on School Division Joint Contracting Incentives (Report Document 548, 2016).				
14	Beginning in fiscal year 2023 through fiscal year 2025, \$600,000 shall be provided each fiscal				
15	year as the incentive payment, with no adjustments.				
16	43. COVID-19 Local Relief Payments				
17	a. This item includes an appropriation estimated at \$12,910,256 in the first year from the				
18	general fund to be distributed to school divisions as COVID-19 Local Relief payments in				
19	support of the Standards of Quality. Local governing bodies shall appropriate these funds to				
20	school divisions in the same manner in which they appropriate sales tax revenues dedicated to				
21	public education.				
22	b. This local relief payment represents the net increase in the estimated amounts of the local				
23	share of Basic Aid costs from the amount estimated in Chapter 1289, 2020 Acts of Assembly,				
24	to the amount estimated in this item, and shall be distributed to school divisions based on this				
25	methodology.				
26	c. For the purposes of calculating Required Local Expenditure as defined in this item, this				
27	local relief payment will be counted as a credit toward the local share of the costs of the				
28	Standards of Quality in the first year.				
29	d. It is the intent of the General Assembly that the final COVID-19 Local Relief Payments be				
30	updated for actual sales tax distributions through the final June monthly distribution in fiscal				
31	year 2021.				
32	45. Supplemental Support for Accomack & Northampton				
33	An additional state payment of \$2,000,000 the second year from the Lottery Proceeds Fund				
34	shall be disbursed to provide one-time support to Accomack and Northampton school				
35	divisions for teacher recruitment and retention efforts, including adjustments to salary scales				
36	to minimize misalignment to salary scales of adjacent counties. Disbursement of these funds				
37	is contingent on the division providing the required local share of a 5.0 percent compensation				
38	supplement included in paragraph C. 38.				
39	46. Learning Loss Instructional Supports				
40	An additional state payment estimated at \$39,999,970 the first year from the Lottery Proceeds				
41	Fund shall be disbursed to support the state share of \$156.54 per pupil the first year based on				
42	the estimated number of federal Free Lunch participants, in support of one-time programs and				
43	initiatives to address learning loss resulting from the COVID-19 pandemic. No local match is				
44	required to receive these state funds, and unexpended funds from the first year shall remain				
45	available in the second year.				
46	School divisions are required to spend these payments on eligible programs, including: (i)				
47	extending the school year, (ii) summer school, (iii) tutoring, remediation and recovery, and				
48	supplemental afterschool programs, (vi) counseling and other student supports, (v)				
49	assessments to determine student progress and the need for access to these programs, (vi)				
50	other similar programs, and (vii) modifications to facilities to assist with COVID-19				
51	mitigation strategies for in-person learning.				
52	47. Albuterol and Valved Holding Chambers				

ITEM 145.			Item Details(\$)		Appropriations(\$)	
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1		Out of this appropriation, \$120,000 the second year from the general fund is allocated to				
2		support the purchase of albuterol and valved holding chambers in the public schools of the				
3		Commonwealth.				
4	146.	Not set out.				
5	146.10	Not set out.				
6		Total for Direct Aid to Public Education.....			\$8,849,968,554	\$9,230,846,620
7						\$9,185,659,923
8		Fund Sources: General.....	\$6,857,617,198	\$7,311,553,053		
9				\$7,180,933,220		
10		Special.....	\$895,000	\$895,000		
11		Commonwealth Transportation.....	\$2,100,000	\$1,470,000		
12				\$1,544,659		
13		Trust and Agency.....	\$870,231,123	\$773,903,334		
14				\$859,261,811		
15		Dedicated Special Revenue.....	\$36,000,000	\$40,000,000		
16		Federal Trust.....	\$1,083,125,233	\$1,103,025,233		
17		Grand Total for Department of Education, Central				
18		Office Operations.....			\$8,982,527,340	\$9,607,466,306
19						\$9,562,279,609
20		General Fund Positions.....	151.00	158.17		
21		Nongeneral Fund Positions.....	185.50	335.83		
22		Position Level.....	336.50	494.00		
23		Fund Sources: General.....	\$6,932,758,377	\$7,383,311,635		
24				\$7,252,691,802		
25		Special.....	\$6,164,257	\$6,164,257		
26		Commonwealth Transportation.....	\$2,379,612	\$1,749,612		
27				\$1,824,271		
28		Trust and Agency.....	\$870,910,801	\$775,801,854		
29				\$861,160,331		
30		Dedicated Special Revenue.....	\$36,000,000	\$40,000,000		
31		Federal Trust.....	\$1,134,314,293	\$1,400,438,948		
32	147.	Not set out.				
33	148.	Not set out.				
34	149.	Not set out.				
35	150.	Not set out.				
36	151.	Not set out.				
37	152.	Not set out.				
38	153.	Not set out.				
39	154.	Not set out.				
40	155.	Not set out.				
41	155.10	Not set out.				
42	156.	Not set out.				

ITEM 157.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	157.	Not set out.				
2	158.	Not set out.				
3	159.	Not set out.				
4	159.10	Not set out.				
5	160.	Not set out.				
6	161.	Not set out.				
7	162.	Not set out.				
8	163.	Not set out.				
9	163.10	Not set out.				
10	164.	Not set out.				
11	165.	Not set out.				
12	166.	Not set out.				
13	167.	Not set out.				
14	167.10	Not set out.				
15	168.	Not set out.				
16	169.	Not set out.				
17	170.	Not set out.				
18	170.10	Not set out.				
19	171.	Not set out.				
20	172.	Not set out.				
21	173.	Not set out.				
22	174.	Not set out.				
23	174.10	Not set out.				
24	175.	Not set out.				
25	176.	Not set out.				
26	177.	Not set out.				
27	178.	Not set out.				
28	178.10	Not set out.				

ITEM 179.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	179.	Not set out.				
2	180.	Not set out.				
3	181.	Not set out.				
4	182.	Not set out.				
5	182.10	Not set out.				
6	183.	Not set out.				
7	184.	Not set out.				
8	185.	Not set out.				
9	186.	Not set out.				
10	186.10	Not set out.				
11	187.	Not set out.				
12	188.	Not set out.				
13	189.	Not set out.				
14	190.	Not set out.				
15	190.10	Not set out.				
16	191.	Not set out.				
17	192.	Not set out.				
18	193.	Not set out.				
19	194.	Not set out.				
20	195.	Not set out.				
21	195.10	Not set out.				
22	196.	Not set out.				
23	197.	Not set out.				
24	198.	Not set out.				
25	199.	Not set out.				
26	200.	Not set out.				
27	201.	Not set out.				
28	202.	Not set out.				

ITEM 202.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	202.10	Not set out.				
2						
		§ 1-19. UNIVERSITY OF VIRGINIA (207)				
3	203.	Not set out.				
4	204.	Not set out.				
5	205.	Not set out.				
6	206.	Not set out.				
7	206.10	Not set out.				
8	207.	Not set out.				
9	208.	Not set out.				
10	209.	Not set out.				
11						
		University of Virginia's College at Wise (246)				
12	210.	Not set out.				
13	211.	Not set out.				
14	212.	Financial Assistance For Educational and General				
15		Services (11000)				
16		a sum sufficient, estimated at.....			\$5,413,574	\$5,663,186
17						\$9,163,186
18		Sponsored Programs (11004).....	\$5,413,574	\$5,663,186		
19				\$9,163,186		
20		Fund Sources: Higher Education Operating.....	\$5,413,574	\$5,663,186		
21				\$9,163,186		
22		Authority: Title 23.1 Chapter 22, Article 2, Code of Virginia.				
23	213.	Not set out.				
24	213.10	Not set out.				
25		Total for University of Virginia's College at Wise.....			\$51,655,675	\$53,118,899
26						\$56,618,899
27		General Fund Positions.....	171.46	171.46		
28		Nongeneral Fund Positions.....	202.24	202.24		
29		Position Level.....	373.70	373.70		
30		Fund Sources: General.....	\$22,092,157	\$23,305,769		
31		Higher Education Operating.....	\$26,573,518	\$26,823,130		
32				\$30,323,130		
33		Debt Service.....	\$2,990,000	\$2,990,000		
34		Grand Total for University of Virginia.....			\$3,905,112,342	\$4,040,192,212
35						\$4,043,692,212
36		General Fund Positions.....	1,260.24	1,260.24		
37		Nongeneral Fund Positions.....	13,836.78	13,951.78		
38		Position Level.....	15,097.02	15,212.02		

ITEM 213.10.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1		Fund Sources: General.....	\$186,827,117	\$190,861,029		
2		Higher Education Operating.....	\$3,650,100,760	\$3,781,146,718		
3				\$3,784,646,718		
4		Debt Service.....	\$68,184,465	\$68,184,465		
5	214.	Not set out.				
6	215.	Not set out.				
7	216.	Not set out.				
8	217.	Not set out.				
9	218.	Not set out.				
10	219.	Not set out.				
11	219.10	Not set out.				
12	220.	Not set out.				
13	221.	Not set out.				
14	222.	Not set out.				
15	223.	Not set out.				
16	224.	Not set out.				
17	225.	Not set out.				
18	225.10	Not set out.				
19	226.	Not set out.				
20	227.	Not set out.				
21	228.	Not set out.				
22	229.	Not set out.				
23	230.	Not set out.				
24	230.10	Not set out.				
25	231.	Not set out.				
26	232.	Not set out.				
27	233.	Not set out.				
28	234.	Not set out.				
29	235.	Not set out.				
30	235.10	Not set out.				

ITEM 235.10.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	236.	Not set out.				
2	236.10	Not set out.				
3	237.	Not set out.				
4	238.	Not set out.				
5	239.	Not set out.				
6	240.	Not set out.				
7	240.10	Not set out.				
8	241.	Not set out.				
9	241.10	Not set out.				
10	242.	Not set out.				
11	243.	Not set out.				
12	244.	Not set out.				
13	244.10	Not set out.				
14	245.	Not set out.				
15	246.	Not set out.				
16	247.	Not set out.				
17	248.	Not set out.				
18	248.10	Not set out.				
19	249.	Not set out.				
20	249.10	Not set out.				
21	250.	Not set out.				
22	251.	Not set out.				
23	252.	Not set out.				
24	252.10	Not set out.				
25	253.	Not set out.				
26	253.10	Not set out.				
27	254.	Not set out.				

ITEM 255.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	255.	Not set out.				
2	255.10	Not set out.				
3	256.	Not set out.				
4	256.10	Not set out.				
5	257.	Not set out.				
6	257.10	Not set out.				
7	258.	Not set out.				
8	258.10	Not set out.				
9	259.	Not set out.				
10	259.10	Not set out.				
11	260.	Not set out.				
12	260.10	Not set out.				
13	261.	Not set out.				
14	261.10	Not set out.				
15	262.	Not set out.				
16	262.10	Not set out.				
17	§ 1-20. IN-STATE UNDERGRADUATE TUITION MODERATION (980)					
18	262.50	Omitted.				
19	262.60	Not set out.				
20	Total for In-State Undergraduate Tuition					
21	Moderation.....				\$0	\$0
22	262.80	Not set out.				
23	263.	Not set out.				
24	TOTAL FOR OFFICE OF EDUCATION.....				\$21,464,734,893	\$22,423,411,617
25						\$22,381,724,920
26	General Fund Positions.....		18,875.60	18,940.17		
27	Nongeneral Fund Positions.....		42,279.01	42,551.84		
28	Position Level.....		61,154.61	61,492.01		
29	Fund Sources: General.....		\$9,341,159,593	\$9,965,403,151		
30				\$9,834,783,318		
31	Special.....		\$42,567,364	\$47,567,364		
32	Higher Education Operating.....		\$9,640,827,846	\$9,795,875,304		
33				\$9,799,375,304		

ITEM 263.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Commonwealth Transportation.....	\$2,379,612	\$1,749,612		
2			\$1,824,271		
3	Enterprise.....	\$7,479,910	\$7,479,910		
4	Trust and Agency.....	\$871,100,801	\$775,991,854		
5			\$861,350,331		
6	Debt Service.....	\$358,087,772	\$358,087,772		
7	Dedicated Special Revenue.....	\$54,739,507	\$58,739,507		
8	Federal Trust.....	\$1,146,392,488	\$1,412,517,143		

ITEM 264.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
OFFICE OF FINANCE				
264.	Not set out.			
§ 1-21. DEPARTMENT OF ACCOUNTS (151)				
265.	Not set out.			
266.	Not set out.			
267.	Not set out.			
268.	Information Systems Management and Direction (71100).....		\$25,818,318	\$35,462,674
	Financial Oversight for Performance Budgeting System (71107).....		\$2,724,495	\$2,795,717
	Financial Oversight for Cardinal System (71108).....		\$23,093,823	\$32,666,957
	Fund Sources: Internal Service.....		\$25,818,318	\$35,462,674
Authority: Title 2.2 Chapter 8, Code of Virginia				
<p>A. The appropriation for Financial Oversight for Performance Budgeting System and Financial Oversight for Cardinal System is sum sufficient and amounts shown are estimates from internal service funds for the Commonwealth's enterprise applications which shall be paid solely from revenues derived from charges for services. All users of the Commonwealth's enterprise applications shall be assessed a surcharge based on licenses, transactions, or other meaningful methodology as determined by the Secretary of Finance and the owner of the enterprise application, which shall be deposited in the fund. Additionally, the State Comptroller shall recover the cost of services provided for the administration of the fund through interagency transactions as determined by the State Comptroller.</p>				
<p>1. Out of this appropriation, the Performance Budgeting System is appropriated \$2,724,495 the first year and \$2,795,717 the second year from internal service fund revenues.</p>				
<p>2. Out of this appropriation, the Cardinal Financial System is appropriated \$23,093,823 the first year and \$20,902,457 the second year from internal service fund revenues.</p>				
<p>3. Out of this appropriation, the Cardinal Human Capital Management (HCM) system is appropriated \$11,764,500 the second year from internal service fund revenues. The second year amount of \$11,764,500 represents nine months of operating costs incurred after the full transition to the new Cardinal HCM system during the second year. The operating costs incurred during the transition are funded through the Working Capital Advance included in paragraph B.1. of this Item.</p>				
<p>4. The State Comptroller shall submit revised projections of revenues and expenditures for the internal service funds for the Commonwealth's enterprise applications and estimates of any anticipated changes to fee schedules in accordance with § 4-5.03 of this act.</p>				
<p>5. In the event that expenses of the enterprise applications become due before costs have been fully recovered in the department's internal service fund, a treasury loan shall be provided to the department to finance these costs. This treasury loan shall be repaid from the proceeds collected in the funds.</p>				
<p>B.1.a. The Department of Accounts, in coordination with the Department of Human Resource Management shall replace the Commonwealth Integrated Payroll/Personnel System (CIPPS) and the Personnel Management Information System and the Benefits Eligibility System (PMIS & BES) with an integrated Human Capital Management (HCM) system. In order to maximize the efficiencies and benefits of the current Commonwealth Enterprise Resource Planning system, Cardinal, along with establishing a single source of</p>				

ITEM 268.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	personnel and payroll information and to achieve greater security of sensitive personally				
2	identifiable information, such system shall be based on the HCM modules within the Cardinal				
3	Enterprise Resource Planning application currently serving as the Commonwealth's financial				
4	system.				
5	b. A working capital advance of up to \$142,734,000 shall be provided to the Department of				
6	Accounts to pay the costs of replacing CIPPS and PMIS & BES. This may include any costs				
7	necessary for the planning, development, configuration, and roll-out of the new HCM				
8	application, and any transitional post-production support operating costs prior to the full				
9	transition to the new system. These costs do not include costs necessary to ensure agencies are				
10	prepared for the implementation of the new application and the decommissioning of CIPPS				
11	and PMIS & BES, such as interfaces from agency based systems. An additional amount of up				
12	to \$10,000,000 may be provided to be directed toward any unforeseen costs associated with				
13	the roll-out of the statewide Cardinal HCM system.				
14	c. The Department of Accounts and the Department of Human Resource Management shall				
15	recommend to the Governor a permanent system of governance over the new HCM				
16	application, which shall designate specifically which agencies have the responsibility for				
17	authority and control of the data in the new HCM application as well as responsibility for				
18	systems support and maintenance.				
19	2. The Secretary of Finance and Secretary of Administration shall approve the drawdowns				
20	from this working capital advance prior to the expenditure of funds. The State Comptroller				
21	shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance				
22	Committees of any approved drawdowns.				
23	3. Repayment of the working capital advance and ongoing systems operation, maintenance				
24	and support costs for the statewide Human Capital Management system shall be funded				
25	through an internal service fund for the enterprise application pursuant to paragraph A. of this				
26	Item.				
27	C.I. In order to capitalize on the efficiencies and benefits of the successfully implemented				
28	Commonwealth Enterprise Resource Planning system, Cardinal, a Cardinal Governance				
29	Committee (CGC) shall be established to evaluate and recommend expansion options for the				
30	Cardinal Financials and Human Capital Management (HCM) applications. The CGC shall				
31	analyze expansion opportunities in both the financial and human resources arenas that will				
32	most benefit Commonwealth state agencies in meeting their agency missions and core				
33	objectives. Additionally, this evaluation will analyze opportunities that could possibly allow				
34	for the decommissioning of agency-based systems in favor of the Commonwealth's enterprise				
35	system to improve efficiency and cost effectiveness. Once these opportunities are evaluated				
36	and finalized, the CGC shall present recommendations to the Commonwealth's Secretary of				
37	Finance and Secretary of Administration for review by September 30, 2021. Upon their				
38	approval of any such recommendations, the Cardinal Program will have the authority to				
39	proceed with these projects, subject to available funding.				
40	2. In order to support and maintain the Cardinal project initiative, a working capital advance				
41	(WCA) of up to \$12,000,000 is provided to the Cardinal program as start-up funding in				
42	anticipation of final approved funding. No funds shall be drawn and expended from this WCA				
43	without the prior approval of the Secretary of Finance.				
44	269. Not set out.				
45	270. Not set out.				
46	271. Not set out.				
47	272. Not set out.				
48	Total for Department of Accounts.....			\$43,356,360	\$52,923,517
49	General Fund Positions.....	115.00	115.00		
50	Nongeneral Fund Positions.....	54.00	54.00		
51	Position Level.....	169.00	169.00		

ITEM 272.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Fund Sources: General.....	\$13,572,366	\$13,407,366		
2	Special.....	\$995,689	\$995,689		
3	Internal Service.....	\$28,788,305	\$38,520,462		
4	Department of Accounts Transfer Payments (162)				
5	273. Not set out.				
6	274. Revenue Stabilization Fund (73500).....			\$77,409,780	\$0
7					\$498,700,000
8	Payments to the Revenue Stabilization Fund				
9	(73501).....	\$77,409,780	\$0		
10			\$498,700,000		
11	Fund Sources: General.....	\$77,409,780	\$0		
12			\$498,700,000		
13	Authority: Title 2.2, Chapter 18, Article 4, Code of Virginia.				
14	A. On or before November 1 of each year, the Auditor of Public Accounts shall report to				
15	the General Assembly the certified tax revenues collected in the most recently ended fiscal				
16	year. The auditor shall, at the same time, provide his report on the 15 percent limitation				
17	and the amount that could be paid into the fund in order to satisfy the mandatory deposit				
18	requirement of Article X, Section 8 of the Constitution of Virginia as well as the				
19	additional deposit requirement of § 2.2-1829, Code of Virginia.				
20	B. Out of this appropriation, \$77,409,780 the first year from the general fund attributable				
21	to actual tax collections for fiscal year 2019 shall be paid by the State Comptroller on or				
22	before June 30, 2021, into the Revenue Stabilization Fund pursuant to § 2.2-1829, Code of				
23	Virginia. This amount is based on the certification of the Auditor of Public Accounts of				
24	actual tax revenues for fiscal year 2019. This appropriation meets the mandatory deposit				
25	requirement of Article X, Section 8 of the Constitution of Virginia.				
26	<i>C1. Out of this appropriation, \$498,700,000 from the general fund the second year is</i>				
27	<i>included as an advance reservation of any required deposit to the Revenue Stabilization</i>				
28	<i>Fund attributable to actual tax collections for fiscal year 2022, as determined by the</i>				
29	<i>Auditor of Public Accounts, for deposit to the Revenue Stabilization Fund in the 2022-</i>				
30	<i>2024 biennium.</i>				
31	<i>2. The State Comptroller shall deposit the advance reservation of \$498,700,000</i>				
32	<i>referenced in paragraph C.1., above, to the Revenue Reserve Fund as a reserve for the</i>				
33	<i>Revenue Stabilization Fund prior to June 30, 2022.</i>				
34	<i>D. Notwithstanding the provisions of § 2.2-1829, E. or any other provision of law, the</i>				
35	<i>maximum combined amount in the Revenue Stabilization Fund and the Revenue Reserve</i>				
36	<i>Fund shall be set at 20 percent of the Commonwealth's average annual tax revenues</i>				
37	<i>derived from taxes on income and retail sales as certified by the Auditor of Public</i>				
38	<i>Accounts for the three fiscal years immediately preceding.</i>				
39	275. Not set out.				
40	276. Not set out.				
41	277. Personnel Management Services (70400).....			\$131,049,441	\$31,359,934
42					\$781,359,934
43	Administration of Retirement and Insurance				
44	Programs (70415).....	\$100,000,000	\$0		
45			\$750,000,000		
46	Employee Flexible Benefits Services (70420).....	\$31,049,441	\$31,359,934		
47	Fund Sources: General.....	\$100,000,000	\$0		
48			\$750,000,000		
49	Trust and Agency.....	\$31,049,441	\$31,359,934		

ITEM 277.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Authority: Title 2.2, Chapter 8, Code of Virginia.				
2	A.1. On or before June 30, 2021, the State Comptroller shall deposit \$100,000,000 from the				
3	general fund into the Virginia Retirement System trust fund.				
4	2. From these funds, the Virginia Retirement System shall allocate an amount estimated at				
5	\$61,300,000 to the public school teacher plan, representing the expedited repayment to the				
6	Retirement System for the contributions that were deferred during the 2010-2012 biennium.				
7	3. Any remaining balance, estimated at \$38,700,000, shall be allocated to the health insurance				
8	credit plan for state employees to address the unfunded liability associated with that plan.				
9	<i>B. On or before June 30, 2022, the State Comptroller shall deposit \$750,000,000 from the</i>				
10	<i>general fund into the Virginia Retirement System trust fund. The Virginia Retirement System</i>				
11	<i>shall allocate these funds in the following manner in an effort to address the unfunded</i>				
12	<i>liabilities associated with each plan:</i>				
13	<i>1. An amount estimated at \$219,156,316 to the state employee plan.</i>				
14	<i>2. An amount estimated at \$442,371,087 to the public school teacher plan.</i>				
15	<i>3. An amount estimated at \$10,957,816 to the State Police Officers' Retirement System.</i>				
16	<i>4. An amount estimated at \$19,886,407 to the Virginia Law Officers' Retirement System.</i>				
17	<i>5. An amount estimated at \$6,250,014 to the Judicial Retirement System.</i>				
18	<i>6. An amount estimated at \$8,522,746 to the health insurance credit plan for state employees.</i>				
19	<i>7. An amount estimated at \$12,013,013 to the health insurance credit plan for public school</i>				
20	<i>teachers.</i>				
21	<i>8. An amount estimated at \$30,438,378 to the group life insurance plan.</i>				
22	<i>9. An amount estimated at \$275,975 to the health insurance credit plan for Constitutional</i>				
23	<i>Officers and their employees.</i>				
24	<i>10. An amount estimated at \$121,754 to the health insurance credit plan for local social</i>				
25	<i>services employees.</i>				
26	<i>11. An amount estimated at \$6,494 to health insurance credit plan for the Registrars and their</i>				
27	<i>employees.</i>				
28	278. Not set out.				
29	279. Not set out.				
30	279.10 Not set out.				
31	Total for Department of Accounts Transfer Payments				
32				\$2,083,512,741	\$2,217,295,824
33					\$3,465,995,824
34	Nongeneral Fund Positions.....	1.00	1.00		
35	Position Level.....	1.00	1.00		
36	Fund Sources: General.....	\$1,495,332,411	\$1,628,895,000		
37			\$2,877,595,000		
38	Trust and Agency.....	\$81,244,219	\$81,554,712		
39	Dedicated Special Revenue.....	\$506,936,111	\$506,846,112		
40	Grand Total for Department of Accounts.....			\$2,126,869,101	\$2,270,219,341
41					\$3,518,919,341
42	General Fund Positions.....	115.00	115.00		
43	Nongeneral Fund Positions.....	55.00	55.00		
44	Position Level.....	170.00	170.00		

ITEM 279.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Fund Sources: General.....	\$1,508,904,777	\$1,642,302,366		
2			\$2,891,002,366		
3	Special.....	\$995,689	\$995,689		
4	Internal Service.....	\$28,788,305	\$38,520,462		
5	Trust and Agency.....	\$81,244,219	\$81,554,712		
6	Dedicated Special Revenue.....	\$506,936,111	\$506,846,112		
7	280. Not set out.				
8	§ 1-22. DEPARTMENT OF TAXATION (161)				
9	281. Not set out.				
10	282. Revenue Administration Services (73200).....			\$61,232,085	\$61,659,588
11					\$62,549,588
12	Tax Return Processing (73214).....	\$6,467,197	\$6,519,013		
13			\$7,159,013		
14	Customer Services (73217).....	\$12,353,531	\$12,371,531		
15			\$12,621,531		
16	Compliance Audit (73218).....	\$22,761,388	\$23,119,075		
17	Compliance Collections (73219).....	\$16,695,927	\$16,695,927		
18	Legal and Technical Services (73222).....	\$2,954,042	\$2,954,042		
19	Fund Sources: General.....	\$50,392,070	\$50,819,573		
20			\$51,709,573		
21	Special.....	\$10,118,172	\$10,118,172		
22	Dedicated Special Revenue.....	\$721,843	\$721,843		
23	Authority: Title 3.2; Title 58.1, Code of Virginia.				
24	A. Pursuant to § 58.1-1803 , Code of Virginia, the Tax Commissioner is hereby authorized				
25	to contract with private collection agencies for the collection of delinquent accounts. The				
26	State Comptroller is hereby authorized to deposit collections from such agencies into the				
27	Contract Collector Fund (§ 58.1-1803 , Code of Virginia). Revenue in the Contract				
28	Collector Fund may be used to pay private collection agencies/attorneys and perform				
29	oversight of their operations, upgrade audit and collection systems and data interfaces, and				
30	retain experts to perform analysis of receivables and collection techniques. Any balance in				
31	the fund remaining after such payment shall be deposited into the appropriate general,				
32	nongeneral, or local fund no later than June 30 of each year.				
33	B.1. The Department of Taxation is authorized to retain, as special revenue, its reasonable				
34	share of any court fines and fees to reimburse the department for any ongoing operational				
35	collection expenses.				
36	2. Any form of state debt assigned to the Department of Taxation for collection may be				
37	collected by the department in the same manner and means as state taxes may be collected				
38	pursuant to Title 58.1, Chapter 18, Code of Virginia.				
39	C. The Department of Taxation is hereby appropriated revenues from the Communications				
40	Sales and Use Tax Trust Fund to recover the direct cost of administration incurred by the				
41	department in implementing and collecting this tax as provided by § 58.1-662 , Code of				
42	Virginia.				
43	D. The Tax Commissioner shall have the authority to waive penalties and grant extensions				
44	of time to file a return or pay a tax, or both, to any class of taxpayers when the Tax				
45	Commissioner in his discretion finds that the normal due date has, or would, cause undue				
46	hardship to taxpayers who were, or would be, unable to use electronic means to file a				
47	return or pay a tax because of a power or systems failure that causes the department's				
48	electronic filing or payment systems to be nonfunctional for all or a portion of a day on or				
49	about the due date for a return or payment.				
50	E. The Department of Taxation is hereby appropriated Land Conservation Incentive Act				
51	fees imposed under § 58.1-513 C. 2., Code of Virginia, on the transferring of the value of				

ITEM 282.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	the donated interest. The Code of Virginia specifies such fees will be used by the Departments				
2	of Taxation and Conservation and Recreation to recover the direct cost of administration				
3	incurred in implementing the Virginia Land Conservation Act.				
4	F. In the event that the United States Congress adopts legislation allowing local governments,				
5	with the assistance of the Commonwealth, to collect delinquent local taxes using offsets from				
6	federal income taxes, the Department of Accounts shall provide a treasury loan to the				
7	Department of Taxation to finance the costs of modifying the agency's computer systems to				
8	implement this federal debt setoff program. This treasury loan shall be repaid from the				
9	proceeds collected from the offsets of federal income taxes collected on behalf of localities by				
10	the Department of Taxation.				
11	G. 1. All revenue received by the Commonwealth pursuant to the provisions of § 58.1-645 et				
12	seq., Code of Virginia, shall be paid into the state treasury and deposited to the Virginia				
13	Communications Sales and Use Tax Fund and shall be distributed pursuant to § 58.1-662,				
14	Code of Virginia, and Items 273 and 294 of this act. For the purposes of the Comptroller's				
15	preliminary and final annual reports required by § 2.2-813, Code of Virginia, however, all				
16	deposits to and disbursements from the Fund shall be accounted for as part of the general fund				
17	of the state treasury.				
18	2. It is the intent of the General Assembly that all such revenues be distributed to counties,				
19	cities, and towns, the Department for the Deaf and Hard-of-Hearing, and for the costs of				
20	administering the Virginia Communications Sales and Use Tax.				
21	H. Notwithstanding the provisions of § 58.1-478, Code of Virginia, effective July 1, 2011,				
22	every employer whose average monthly liability can reasonably be expected to be \$1,000 or				
23	more and the aggregate amount required to be withheld by any employer exceeds \$500 shall				
24	file the annual report required by § 58.1-478, Code of Virginia, and all forms required by §				
25	58.1-472, Code of Virginia, using an electronic medium using a format prescribed by the Tax				
26	Commissioner. Waivers shall be granted only if the Tax Commissioner finds that this				
27	requirement creates an unreasonable burden on the employer. All requests for waiver shall be				
28	submitted to the Tax Commissioner in writing.				
29	I. Notwithstanding the provisions of § 58.1-214, Code of Virginia, the department shall not be				
30	required to mail its forms and instructions unless requested by a taxpayer or his				
31	representative.				
32	J.1. Notwithstanding the provisions of § 58.1-609.12, Code of Virginia, no report on the				
33	fiscal, economic and policy impact of the miscellaneous Retail Sales and Use Tax exemptions				
34	under § 58.1-609.10, Code of Virginia, shall be required after the completion of the final				
35	report in the first five-year cycle of the study, due December 1, 2011. The Department of				
36	Taxation shall satisfy the requirement of § 58.1-609.12 that it study and report on the annual				
37	fiscal impact of the Retail Sales and Use Tax exemptions for nonprofit entities provided for in				
38	§ 58.1-609.11, Code of Virginia, by publishing such fiscal impact on its website.				
39	2. Notwithstanding the provisions of § 58.1-202, Code of Virginia, no report detailing the				
40	total amount of corporate income tax relief provided in Virginia shall be required after the				
41	completion of such report due on October 1, 2013. The Department of Taxation shall satisfy				
42	the requirement of § 58.1-202 that it issue an annual report detailing the total amount of				
43	corporate income tax relief provided in Virginia by publishing its Annual Report on its				
44	website.				
45	K. 1. Notwithstanding any provision of the Code of Virginia or this act to the contrary,				
46	a. Effective January 1, 2013, all corporations are required to file estimated tax payments and				
47	their annual income tax return and final payment using an electronic medium in a format				
48	prescribed by the Tax Commissioner .				
49	b. Effective July 1, 2013, every employer shall file the annual report required by § 58.1-478				
50	and all forms required by § 58.1-472, Code of Virginia, using an electronic medium in a				
51	format prescribed by the Tax Commissioner.				
52	c. Effective July 1, 2014, every employer shall file the annual report required by § 58.1-478 ,				
53	not later than January 31 of the calendar year succeeding the calendar year in which wages				
54	were withheld from employees.				

ITEM 282.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	d. Effective January 1, 2015, for taxable years beginning on and after January 1, 2014,				
2	every pass-through entity shall file the annual return required by § 58.1-392, Code of				
3	Virginia, and make related payments using an electronic medium in a format prescribed				
4	by the Tax Commissioner.				
5	e. i. Effective until January 1, 2020, all estates and trusts are required to file estimated tax				
6	payments pursuant to § 58.1-490 et seq., Code of Virginia, and their annual income tax				
7	return pursuant to § 58.1-381, Code of Virginia, and final payment using an electronic				
8	medium in a format prescribed by the Tax Commissioner.				
9	ii. Effective January 1, 2020, annual income tax returns of estates and trusts required				
10	pursuant to § 58.1-381, Code of Virginia, that are prepared by an income tax return				
11	preparer, as defined in § 58.1-302, Code of Virginia, must be filed using an electronic				
12	medium in a format prescribed by the Tax Commissioner.				
13	f. Taxpayers subject to the taxes imposed pursuant to § 58.1-320 and required to pay				
14	estimated tax pursuant to § 58.1-490 et seq., shall be required to file and remit using an				
15	electronic medium in a format prescribed by the Tax Commissioner all installment				
16	payments of estimated tax and all payments made with regard to a return or an extension				
17	of time to file if (i) any one such payment exceeds or is required to exceed \$2,500, or if				
18	(ii) the taxpayer's total tax liability exceeds or can be reasonably expected to exceed				
19	\$10,000 in any taxable year beginning on or after January 1, 2021. This requirement shall				
20	apply to any payments made on and after July 1, 2021. The Department of Taxation shall				
21	provide reasonable advanced notice to taxpayers affected by this requirement.				
22	2.a. The Tax Commissioner shall have the authority to waive the requirement to file or pay				
23	by electronic means. Waivers shall be granted only if the Tax Commissioner finds that this				
24	requirement creates an unreasonable burden on the person required to use an electronic				
25	medium. All requests for waiver shall be submitted to the Tax Commissioner in writing.				
26	b. The Tax Commissioner shall have the authority to waive the requirement to file or pay				
27	by January 31. Waivers shall be granted only if the Tax Commissioner finds that this				
28	requirement creates an unreasonable burden on the person required to file or pay by				
29	January 31. All requests for waiver shall be submitted to the Tax Commissioner in				
30	writing.				
31	L.1. Notwithstanding any other provision of law, Retail Sales and Use Tax returns and				
32	payments shall be made using an electronic medium prescribed by the Tax Commissioner				
33	beginning with the June 2012 return, due July 2012, for monthly filers and, for less				
34	frequent filers, with the first return they are required to file after July 1, 2013.				
35	2. Notwithstanding any other provision of law, Out-of-State Dealer's Use Tax and				
36	Business Consumer's Use Tax returns and payments shall be made using an electronic				
37	medium prescribed by the Tax Commissioner beginning with the July 2017 return, due				
38	August 2017, for monthly filers and, for less frequent filers, with the first return they are				
39	required to file after August 1, 2017.				
40	3. The Tax Commissioner shall have the authority to waive the requirement to file by				
41	electronic means upon a determination that the requirement would cause an undue				
42	hardship. All requests for waiver shall be transmitted to the Tax Commissioner in writing.				
43	M. The Department of Taxation is hereby appropriated revenues from the Virginia Motor				
44	Vehicle Rental Tax to recover the direct cost of administration incurred by the department				
45	in implementing and collecting this tax as provided by § 58.1-1741, Code of Virginia.				
46	N. Notwithstanding the provisions of § 58.1-490 et seq., Code of Virginia,				
47	1. Effective for taxable years beginning on or after January 1, 2015, a taxpayer shall be				
48	permitted to file a declaration of estimated tax with the Department of Taxation instead of				
49	with the commissioner of the revenue and notwithstanding the provisions of § 58.1-306,				
50	Code of Virginia, the department may so advise taxpayers.				
51	2. Effective January 1, 2015, every treasurer who receives an estimated income tax return,				
52	declaration or voucher pursuant to § 58.1-495 of the Code of Virginia shall transmit such				

ITEM 282.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	return, declaration or voucher to the Department of Taxation using an electronic medium in a				
2	format prescribed by the Tax Commissioner.				
3	O. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the				
4	Department of Taxation is authorized to provide Form 1099 in an electronic format to				
5	taxpayers. The Tax Commissioner shall ensure that taxpayers may elect to receive the				
6	electronic version of the form.				
7	P. The Department of Taxation is hereby appropriated revenues from the E-911 Wireless Tax				
8	to recover the direct cost of administration incurred by the department in implementing and				
9	collecting this tax as provided by § 56-484.17:1, Code of Virginia.				
10	Q. The Department of Taxation is hereby appropriated revenues from the assessment for				
11	expenses pursuant to §§ 38.2-400 and 38.2-403, Code of Virginia, to recover any costs related				
12	to the Insurance Premiums License Tax that are incurred by the Department of Taxation, as				
13	provided in § 58.1-2533, Code of Virginia.				
14	R. The Department of Taxation is authorized to recover the administrative costs associated				
15	with debt collection initiatives under the U.S. Treasury Offset Program authorized by § 2.2-				
16	4809, not to exceed twenty percent of revenues generated pursuant to such debt collection				
17	initiatives. Such sums are in addition to any fees charged by outside collections contractors				
18	and/or enhanced collection revenues returned to the Commonwealth.				
19	S.1. Notwithstanding any other provision of the Code of Virginia or this act to the contrary,				
20	effective July 1, 2015, the Department of Taxation is hereby authorized to charge a fee of				
21	\$5.00 per copy of a tax return requested by a taxpayer or a representative thereof.				
22	2. The Tax Commissioner shall have the authority to waive such fee. Waivers shall be granted				
23	only if the Tax Commissioner finds that this requirement creates an unreasonable burden on				
24	the person requesting such copies. All requests for waiver shall be submitted to the Tax				
25	Commissioner in writing.				
26	T. Notwithstanding any other provision of the Code of Virginia or this act to the contrary,				
27	effective January 1, 2016, the Department of Taxation shall not provide to the local				
28	commissioners of the revenue or any other local officials copies of federal tax forms or				
29	schedules, including but not limited to, federal Schedules C (1040), C-EZ (1040), D (1040), E				
30	(1040), or F (1040), or federal Forms 4562 or 2106, or copies of Virginia Schedule 500FED,				
31	unless such schedules or forms are attached to a Virginia income tax return and submitted to				
32	the department in an electronic format by the taxpayer.				
33	U.1. Notwithstanding any other provision of law, Vending Machine Dealer's Sales Tax, Motor				
34	Vehicle Rental Tax and Fee, Communications Taxes, and Tobacco Products Tax returns shall				
35	be filed using an electronic medium prescribed by the Tax Commissioner beginning with the				
36	July 2016 return, due August 2016, for monthly filers and, for less frequent filers, with the				
37	first return they are required to file after July 1, 2016.				
38	2. Notwithstanding any other provision of law, Litter Tax returns shall be filed and any				
39	payments shall be made using an electronic medium prescribed by the Tax Commissioner				
40	beginning with the first return required to be filed after January 1, 2018.				
41	3. The Tax Commissioner shall have the authority to waive the requirement to file by				
42	electronic means upon a determination that the requirement would cause an undue hardship.				
43	All requests for waiver shall be transmitted to the Tax Commissioner in writing.				
44	V.1. Notwithstanding any other provision of law, effective July 1, 2017, the Department of				
45	Taxation shall charge a fee of \$275 for each request, except those requested by the local				
46	assessing officer, for a letter ruling to be issued pursuant to § 58.1-203, Code of Virginia, or				
47	for an advisory opinion issued pursuant to §§ 58.1-3701 or 58.1-3983.1, Code of Virginia;				
48	\$50 for each request for an offer in compromise with respect to doubtful collectability				
49	authorized by § 58.1-105, Code of Virginia; and \$100 for each request for permission to				
50	change a corporation's filing method pursuant to § 58.1-442, Code of Virginia.				
51	2. The Tax Commissioner shall have the authority to waive such fees. Waivers shall be				
52	granted only if the Tax Commissioner finds that such fee creates an unreasonable burden on				
53	the person making such request. All requests for waiver shall be submitted to the Tax				

ITEM 282.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Commissioner in writing.				
2	3. Revenues received from the above fees shall be deposited into the general fund in the				
3	state treasury.				
4	W. Notwithstanding the provisions of § 38.2-5601, Code of Virginia, the Department of				
5	Taxation shall not be required to update the Virginia Medical Savings Account Plan report				
6	after the completion of such report due on December 31, 2016.				
7	X.1. Notwithstanding any other provision of law, any employer or payroll service provider				
8	that owns or licenses computerized data relating to income tax withheld pursuant to				
9	Article 16 (§ 58.1-460 et seq.) of Chapter 3 of Title 58.1 shall notify the Office of the				
10	Attorney General without unreasonable delay after the discovery or notification of				
11	unauthorized access and acquisition of unencrypted and unredacted computerized data				
12	containing a taxpayer identification number in combination with the income tax withheld				
13	for that taxpayer that compromises the confidentiality of such data and that creates a				
14	reasonable belief that an unencrypted and unredacted version of such information was				
15	accessed and acquired by an unauthorized person, and causes, or the employer or payroll				
16	provider reasonably believes has caused or will cause, identity theft or other fraud. With				
17	respect to employers, this requirement applies only to information regarding the				
18	employer's employees, and does not apply to information regarding the employer's				
19	customers or other non-employees.				
20	Such employer or payroll service provider shall provide the Office of the Attorney				
21	General with the name and federal employer identification number of the employer as				
22	defined in § 58.1-460 that may be affected by the compromise in confidentiality. Upon				
23	receipt of such notice, the Office of the Attorney General shall notify the Department of				
24	Taxation of the compromise in confidentiality. The notification required under this				
25	provision that does not otherwise require notification under subsections A through L of §				
26	18.2-186.6, Code of Virginia, shall not be subject to any other notification, requirement,				
27	exemption, or penalty contained in that section.				
28	2. Notwithstanding any other provision of law, any income tax return preparer, as defined				
29	in § 58.1-302, who prepares any Virginia individual income tax return during a calendar				
30	year for which he has the primary responsibility for the overall substantive accuracy of the				
31	preparation thereof shall notify the Department of Taxation without unreasonable delay				
32	after the discovery or notification of unauthorized access and acquisition of unencrypted				
33	and unredacted return information that compromises the confidentiality of such				
34	information and that creates a reasonable belief that an unencrypted and unredacted				
35	version of such information was accessed and acquired by an unauthorized person, and				
36	causes, or such preparer reasonably believes has caused or will cause, identity theft or				
37	other fraud.				
38	Such income tax return preparer shall provide the Department of Taxation with the name				
39	and taxpayer identifying number of any taxpayer that may be affected by the compromise				
40	in confidentiality, as well as the name of the income tax return preparer, his preparer tax				
41	identification number, and such other information as the Department may prescribe.				
42	Y.1. Every payment settlement entity required to file information returns under § 6050W				
43	of the Internal Revenue Code shall, within thirty days of the relevant federal deadline for				
44	filing such returns, submit to the Department of Taxation electronically either (i) a				
45	duplicate of all such information returns or (ii) a duplicate of such information returns				
46	related to participating payees with a Virginia state address or Virginia state taxpayers.				
47	2. All third-party settlement organizations, as defined in § 6050W of the Internal Revenue				
48	Code, shall report to the Department of Taxation electronically, and to any participating				
49	payee, within 30 days of the relevant federal deadline for reporting such information, all				
50	information specified by § 6050W of the Internal Revenue Code with respect to reportable				
51	payment transactions made on or after January 1, 2020 to such participating payee. For				
52	purposes of determining whether a third-party settlement organization is subject to this				
53	requirement, the de minimis limitations of § 6041(a) of the Internal Revenue Code shall				
54	apply mutatis mutandis in lieu of the de minimis limitations of § 6050W of the Internal				
55	Revenue Code. This requirement shall apply only with respect to participating payees with				
56	a Virginia mailing address.				

ITEM 282.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	3. The Tax Commissioner shall have the authority to waive the requirement to submit this				
2	information upon a determination that the requirement would cause an unreasonable burden.				
3	In addition, the Tax Commissioner shall have the authority to waive the requirement to submit				
4	this information electronically upon a determination that the requirement would cause an				
5	unreasonable burden. All requests for waiver shall be transmitted to the Tax Commissioner in				
6	writing.				
7	Z. The Department of Taxation is hereby appropriated revenues from the Disposable Plastic				
8	Bag Tax to recover any administrative costs for collecting the tax incurred by the Department				
9	of Taxation as provided by § 58.1-3835 (C), Code of Virginia.				
10	AA. The Department of Taxation is hereby appropriated revenues from the tobacco products				
11	tax imposed under § 58.1-1021.02 of the Code of Virginia to recover any administrative costs				
12	for implementing the tax on heated tobacco products incurred by the Department of Taxation				
13	as provided by Item 3-5.21(D) of this Act.				
14	BB.1. Notwithstanding § 58.1-1803 A, or any other provision of law, the Department of				
15	Taxation may appoint a collector in any county or city, including the treasurer thereof, to				
16	collect delinquent state taxes at any time, even if such delinquent state taxes were not assessed				
17	at least 90 days previously therein.				
18	2. Notwithstanding § 58.1-1803 B, or any other provision of law, the Department of Taxation				
19	may appoint collectors or contract with collection agencies to collect delinquent state taxes at				
20	any time, even if such delinquent state taxes were not assessed at least 90 days previously				
21	therein.				
22	283. Not set out.				
23	284. Not set out.				
24	Total for Department of Taxation.....			\$119,592,795	\$120,185,117
25					\$121,075,117
26	General Fund Positions.....	905.00	905.00		
27	Nongeneral Fund Positions.....	56.00	56.00		
28	Position Level.....	961.00	961.00		
29	Fund Sources: General.....	\$107,110,104	\$107,702,426		
30			\$108,592,426		
31	Special.....	\$11,760,848	\$11,760,848		
32	Dedicated Special Revenue.....	\$721,843	\$721,843		
33	285. Not set out.				
34	286. Not set out.				
35	287. Not set out.				
36	287.10 Not set out.				
37	§ 1-23. TREASURY BOARD (155)				
38	288. Bond and Loan Retirement and Redemption (74300).			\$854,158,182	\$901,282,264
39					\$891,532,327
40	Debt Service Payments on General Obligation Bonds				
41	(74301).....	\$59,201,904	\$56,975,915		
42	Capital Lease Payments (74302).....	\$4,757,375	\$4,756,000		
43	Debt Service Payments on Public Building Authority				
44	Bonds (74303).....	\$289,399,059	\$307,513,491		
45			\$305,748,686		

ITEM 288.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Debt Service Payments on College Building				
2	Authority Bonds (74304).....	\$500,799,844	\$532,036,858		
3			\$524,051,726		
4	Fund Sources: General.....	\$815,557,436	\$863,243,052		
5			\$853,483,113		
6	Higher Education Operating.....	\$31,526,576	\$31,526,576		
7	Dedicated Special Revenue.....	\$645,000	\$645,000		
8	Federal Trust.....	\$6,429,170	\$5,867,636		
9			\$5,877,638		

Authority: Title 2.2, Chapter 18, Code of Virginia; Article X, Section 9, Constitution of Virginia.

A. The Director, Department of Planning and Budget is authorized to transfer appropriations between Items in the Treasury Board to address legislation affecting the Treasury Board passed by the General Assembly.

B.1. Out of the amounts for Debt Service Payments on General Obligation Bonds, the following amounts are hereby appropriated from the general fund for debt service on general obligation bonds issued pursuant to Article X, Section 9 (b), of the Constitution of Virginia:

Series	FY 2021		FY 2022	
	General Fund	Federal Funds	General Fund	Federal Funds
2012 Refunding	\$4,129,700	\$0	\$4,029,200	\$0
2013 Refunding	\$14,535,250	\$0	\$14,079,000	\$0
2015B Refunding	\$13,113,750	\$0	\$12,680,250	\$0
2016B Refunding	\$5,483,450	\$0	\$5,320,700	\$0
2019B Refunding	\$20,439,250	\$0	\$19,425,000	\$0
2019C Refunding	\$1,400,504	\$0	\$1,341,765	\$0
Projected debt service & expenses	\$100,000	\$0	\$100,000	\$0
Total Service Area	\$59,201,904	\$0	\$56,975,915	\$0

2. Out of the amounts for Debt Service Payments on General Obligation Bonds, sums needed to fund issuance costs and other expenses are hereby appropriated.

C. Out of the amounts for Capital Lease Payments, the following amounts are hereby appropriated for capital lease payments:

	FY 2021	FY 2022
Virginia Biotech Research Park, 2009	\$4,757,375	\$4,756,000
Total Capital Lease Payments	\$4,757,375	\$4,756,000

D.1. Out of the amounts for Debt Service Payments on Virginia Public Building Authority Bonds shall be paid to the Virginia Public Building Authority the following amounts for use by the authority for its various bond issues:

Series	FY 2021		FY 2022	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
2005D	\$0	\$0	\$0	\$0
2009A	\$4,682,863	\$0	\$4,683,497	\$0
2009C	\$1,087,310	\$0	\$1,088,090	\$0
2009D Refunding	\$0	\$0	\$0	\$0
2010A	\$15,480,344	\$126,725	\$0	\$0
2010B	\$33,944,941	\$3,121,053	\$33,924,754	\$2,916,714
				\$2,926,714
2011A STARS	\$630,375	\$0	\$630,375	\$0

ITEM 288.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	2011A	\$12,909,250	\$0	\$12,909,875		\$0
2	2011B	\$1,298,949	\$0	\$1,297,924		\$0
3				\$0		
4	2012A Refunding	\$6,557,350	\$0	\$6,551,700		\$0
5	2013A	\$8,825,775	\$0	\$8,824,900		\$0
6	2013B Refunding	\$17,243,625	\$0	\$17,245,000		\$0
7	2014A	\$8,480,150	\$645,000	\$8,477,525		\$645,000
8	2014B	\$2,010,580	\$0	\$2,011,088		\$0
9	2014C Refunding	\$25,871,400	\$0	\$17,373,650		\$0
10	2015A	\$17,339,870	\$0	\$17,342,870		\$0
11	2015B Refunding	\$11,264,775	\$0	\$11,266,900		\$0
12	2016A	\$14,387,050	\$0	\$14,389,800		\$0
13	2016B Refunding	\$17,811,650	\$0	\$17,811,275		\$0
14	2016C	\$11,658,000	\$0	\$11,656,000		\$0
15	2016D	\$904,382	\$0	\$906,682		\$0
16	2017A Refunding	\$6,722,850	\$0	\$6,722,850		\$0
17	2018A	\$11,749,844	\$0	\$11,746,094		\$0
18	2018B	\$1,229,590	\$0	\$1,229,490		\$0
19	2019A	\$13,434,000	\$0	\$13,438,000		\$0
20	2019B	\$10,159,150	\$0	\$10,157,525		\$0
21	2019C	\$5,579,052	\$0	\$5,453,302		\$0
22	2020A	\$7,540,326	\$0	\$15,721,700		\$0
23	2020B Refunding	\$10,280,523	\$0	\$24,629,625		\$0
24	2020C	\$2,058,711	\$0	\$6,620,033		\$0
25	2021A	\$0	\$0	\$18,833,403		\$0
26	2021B Refunding	\$0	\$0	\$104,144		\$0
27	Projected debt service	\$363,596	\$0	\$19,841,253		\$0
28	and expenses			\$426,825		
29	Total Service Area	\$281,506,281	\$3,892,778	\$303,951,777		\$3,561,714
30				\$302,176,972		\$3,571,714

31 2.a. Funding is included in this Item for the Commonwealth's reimbursement of a portion of
 32 the approved capital costs as determined by the Board of Corrections and other interest costs
 33 as provided in §§ 53.1-80 through 53.1-82.2 of the Code of Virginia, for the following:

34			Commonwealth Share of
35	Project		Approved Capital Costs
36	Prince William – Manassas Regional Jail		\$21,032,421
37	Middle River Regional Jail - Expansion and Renovation		\$24,125,430
38	Henry County Jail		\$18,759,878
39	Chesapeake City Jail		\$6,860,886
40	Piedmont Regional Jail		\$2,139,464
41	Prince William – Manassas Regional Jail Expansion		\$678,387
42	Riverside Regional Jail		\$807,447
43	Total Approved Capital Costs		\$74,403,913

44 b. The Commonwealth's share of the total construction cost of the projects listed in the table
 45 in paragraph D.2.a. shall not exceed the amount listed for each project. Reimbursement of the
 46 Commonwealth's portion of the construction costs of these projects shall be subject to the
 47 approval of the Department of Corrections of the final expenditures.

48 c. This paragraph shall constitute the authority for the Virginia Public Building Authority to
 49 issue bonds for the foregoing projects pursuant to § 2.2-2261 of the Code of Virginia.

ITEM 288.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	E.1. Out of the amounts for Debt Service Payments on Virginia College Building				
2	Authority Bonds shall be paid to the Virginia College Building Authority the following				
3	amounts for use by the Authority for payments on obligations issued for financing				
4	authorized projects under the 21st Century College Program:				
5	Series	FY 2021		FY 2022	
6	2009E Refunding	\$26,967,750		\$26,971,250	
7	2010B	\$27,254,689		\$27,021,208	
8				\$27,021,210	
9	2011 A	\$10,295,250		\$0	
10	2012A	\$15,180,225		\$14,112,000	
11	2012B	\$19,726,350		\$17,970,850	
12	2013 A	\$15,300,459		\$13,340,250	
13	2014A	\$16,684,250		\$15,938,850	
14	2014B Refunding	\$195,400		\$195,400	
15	2015A	\$26,655,700		\$26,656,450	
16	2015B Refunding	\$27,432,898		\$27,429,861	
17	2015D	\$13,716,535		\$13,716,785	
18	2016A	\$19,471,600		\$19,472,600	
19	2016B Refunding	\$1,972,000		\$1,972,000	
20	2016C	\$4,432,507		\$4,431,735	
21	2017B Refunding	\$19,961,500		\$18,609,750	
22	2017C	\$31,465,500		\$31,470,250	
23	2017D	\$11,317,081		\$11,315,706	
24	2017E Refunding	\$26,711,750		\$35,956,750	
25	2019A	\$31,122,350		\$31,126,100	
26	2019B	\$9,985,500		\$9,982,250	
27	2019C Refunding	\$29,213,500		\$29,064,250	
28	2020A & B	\$22,691,465		\$22,693,075	
29	2020B Refunding	\$2,687,900		\$7,864,385	
30	2021A	\$0		\$32,914,866	
31	Projected 21st Century debt service &	\$356,120		\$40,416,604	
32	expenses			\$418,203	
33	Subtotal 21st Century	\$410,798,279		\$447,728,359	
34				\$440,644,826	
35	2. Out of the amounts for Debt Service Payments on Virginia College Building Authority				
36	Bonds shall be paid to the Virginia College Building Authority the following amounts for				
37	the payment of debt service on authorized bond issues to finance equipment:				
38	Series	FY 2021		FY 2022	
39	2013A	\$9,450,000		\$0	
40	2014A	\$9,660,000		\$0	
41	2015A	\$10,479,250		\$10,479,000	
42	2016A	\$11,066,750		\$11,063,750	
43	2017A	\$11,851,750		\$11,852,250	
44	2018	\$12,859,500		\$12,860,750	
45	2019A	\$12,570,250		\$12,571,250	
46	2020A	\$12,064,065		\$12,061,250	
47	2021A	\$0		\$12,518,650	
48	Projected debt service & expenses	\$0		\$13,420,249	
49				\$0	
50	Subtotal Equipment	\$90,001,565		\$84,308,499	
51				\$83,406,900	

ITEM 288.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Total Service Area	\$500,799,844			\$532,036,858
2					\$524,051,726
3	3. Beginning with the FY 2008 allocation of the higher education equipment trust fund, the				
4	Treasury Board shall amortize equipment purchases at seven years, which is consistent with				
5	the useful life of the equipment.				
6	4. Out of the amounts for Debt Service Payments on Virginia College Building Authority				
7	Bonds, the following nongeneral fund amounts from a capital fee charged to out-of-state				
8	students at institutions of higher education shall be paid to the Virginia College Building				
9	Authority in each year for debt service on bonds issued under the 21st Century Program:				
10	Institution	FY 2021			FY 2022
11	George Mason University	\$2,804,490			\$2,804,490
12	Old Dominion University	\$1,108,899			\$1,108,899
13	University of Virginia	\$5,006,754			\$5,006,754
14	Virginia Polytechnic Institute and State	\$5,192,295			\$5,192,295
15	University				
16	Virginia Commonwealth University	\$2,359,266			\$2,359,266
17	College of William and Mary	\$1,639,845			\$1,639,845
18	Christopher Newport University	\$131,508			\$131,508
19	University of Virginia's College at Wise	\$48,330			\$48,330
20	James Madison University	\$2,843,787			\$2,843,787
21	Norfolk State University	\$420,789			\$420,789
22	Longwood University	\$106,149			\$106,149
23	University of Mary Washington	\$234,834			\$234,834
24	Radford University	\$300,486			\$300,486
25	Virginia Military Institute	\$400,470			\$400,470
26	Virginia State University	\$773,577			\$773,577
27	Richard Bland College	\$10,830			\$10,830
28	Virginia Community College System	\$3,301,665			\$3,301,665
29	TOTAL	\$26,683,974			\$26,683,974
30	5. Out of the amounts for Debt Service Payments of College Building Authority Bonds, the				
31	following is the estimated general and nongeneral fund breakdown of each institution's share				
32	of the debt service on the Virginia College Building Authority bond issues to finance				
33	equipment. The nongeneral fund amounts shall be paid to the Virginia College Building				
34	Authority in each year for debt service on bonds issued under the equipment program:				
35		FY 2021			FY 2022
36	Institution	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
37	College of William &	\$2,992,492	\$259,307	\$2,653,323	\$259,307
38	Mary				
39	University of Virginia	\$16,277,138	\$1,088,024	\$15,875,947	\$1,088,024
40				\$14,200,947	
41	Virginia Polytechnic	\$16,204,292	\$992,321	\$15,139,747	\$992,321
42	Institute and State				
43	University				
44	Virginia Military	\$903,953	\$88,844	\$858,424	\$88,844
45	Institute			\$800,533	
46	Virginia State University	\$1,394,946	\$108,886	\$1,275,939	\$108,886
47	Norfolk State University	\$1,011,086	\$108,554	\$997,014	\$108,554
48				\$1,096,014	
49	Longwood University	\$778,221	\$54,746	\$730,450	\$54,746
50				\$691,450	
51	University of Mary	\$1,142,531	\$97,063	\$1,079,332	\$97,063

ITEM 288.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Washington				<i>\$1,204,332</i>	
2	James Madison	\$2,533,299	\$254,504	<i>\$2,213,725</i>		\$254,504
3	University			<i>\$2,063,725</i>		
4	Radford University	\$1,315,037	\$135,235	<i>\$1,123,031</i>		\$135,235
5				<i>\$948,031</i>		
6	Old Dominion	\$5,850,888	\$374,473	<i>\$5,106,268</i>		\$374,473
7	University			<i>\$3,601,685</i>		
8	Virginia	\$10,977,292	\$401,647	<i>\$10,004,070</i>		\$401,647
9	Commonwealth			<i>\$9,208,584</i>		
10	University					
11	Richard Bland College	\$177,408	\$2,027	\$163,209		\$2,027
12	Christopher Newport	\$827,427	\$17,899	<i>\$789,369</i>		\$17,899
13	University			<i>\$739,369</i>		
14	University of Virginia's	\$176,121	\$19,750	<i>\$166,863</i>		\$19,750
15	College at Wise			<i>\$221,818</i>		
16	George Mason	\$4,998,921	\$205,665	<i>\$4,430,559</i>		\$205,665
17	University			<i>\$4,410,312</i>		
18	Virginia Community	\$16,235,987	\$633,657	<i>\$15,560,782</i>		\$633,657
19	College System			<i>\$18,610,782</i>		
20	Virginia Institute of	\$479,080	\$0	<i>\$461,150</i>		\$0
21	Marine Science			<i>\$556,150</i>		
22	Roanoke Higher	\$86,971	\$0	\$80,089		\$0
23	Education Authority					
24	Southwest Virginia	\$89,759	\$0	\$82,656		\$0
25	Higher Education					
26	Center					
27	Institute for Advanced	\$242,191	\$0	<i>\$230,881</i>		\$0
28	Learning and Research			<i>\$282,881</i>		
29	Southern Virginia	\$107,326	\$0	\$98,833		\$0
30	Higher Education					
31	Center					
32	New College Institute	\$38,640	\$0	\$34,614		\$0
33	Eastern Virginia	\$317,961	\$0	<i>\$309,627</i>		\$0
34	Medical School			<i>\$399,279</i>		
35	TOTAL	\$85,158,967	\$4,842,602	<i>\$79,465,902</i>		\$4,842,602
36				<i>\$78,564,300</i>		

F. Pursuant to various Payment Agreements between the Treasury Board and the Commonwealth Transportation Board, funds required to pay the debt service due on Commonwealth Transportation Board bonds shall be paid to the Trustee for the bondholders by the Treasury Board after transfer of these funds to the Treasury Board from the Commonwealth Transportation Board pursuant to Item 452, paragraph E of this act and §§ 33.2-2300, 33.2-2400, and 58.1-816.1, Code of Virginia.

G. Under the authority of this act, an agency may transfer funds to the Treasury Board for use as lease, rental, or debt service payments to be used for any type of financing where the proceeds are used to acquire equipment and to finance associated costs, including but not limited to issuance and other financing costs. In the event such transfers occur, the transfers shall be deemed an appropriation to the Treasury Board for the purpose of making the lease, rental, or debt service payments described herein.

H. Notwithstanding the provisions of ~~2.2-1156~~ 2.2-1156, Code of Virginia, if tax-exempt bonds were used by the Commonwealth or its authorities, boards, or institutions to finance the acquisition, construction, improvement or equipping of real property, proceeds from the subsequent sale or disposition of such property and any improvements may first be applied toward remediation options available under federal law in order to maintain the tax-exempt status of such bonds.

I. Out of this appropriation, \$4,000,000 the first year from the general fund is provided for

ITEM 288.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	the defeasance of the outstanding bonds on the Central Virginia Training Center.				
2	289. Not set out.				
3	Total for Treasury Board.....			\$854,158,182	\$901,282,264
4					\$891,532,327
5	Fund Sources: General.....	\$815,557,436	\$863,243,052		
6			\$853,483,113		
7	Higher Education Operating.....	\$31,526,576	\$31,526,576		
8	Dedicated Special Revenue.....	\$645,000	\$645,000		
9	Federal Trust.....	\$6,429,170	\$5,867,636		
10			\$5,877,638		
11	290. Not set out.				
12	TOTAL FOR OFFICE OF FINANCE.....			\$3,162,578,725	\$3,353,754,618
13					\$4,593,594,681
14	General Fund Positions.....	1,123.20	1,123.20		
15	Nongeneral Fund Positions.....	218.80	218.80		
16	Position Level.....	1,342.00	1,342.00		
17	Fund Sources: General.....	\$2,449,236,257	\$2,630,911,033		
18			\$3,870,741,094		
19	Special.....	\$13,225,653	\$13,225,653		
20	Higher Education Operating.....	\$31,526,576	\$31,526,576		
21	Commonwealth Transportation.....	\$185,187	\$185,187		
22	Internal Service.....	\$28,788,305	\$38,520,462		
23	Trust and Agency.....	\$121,907,101	\$122,327,594		
24	Dedicated Special Revenue.....	\$511,280,476	\$511,190,477		
25	Federal Trust.....	\$6,429,170	\$5,867,636		
26			\$5,877,638		

ITEM 291.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
OFFICE OF HEALTH AND HUMAN RESOURCES				
§ 1-24. SECRETARY OF HEALTH AND HUMAN RESOURCES (188)				
291.	Not set out.			
Children's Services Act (200)				
292.	Protective Services (45300).....		\$369,379,676	\$385,091,773
	Financial Assistance for Child and Youth Services (45303).....	\$369,379,676	\$385,091,773	
	Fund Sources: General.....	\$316,771,930	\$327,459,444	
	Federal Trust.....	\$52,607,746	\$57,632,329	
Authority: Title 2.2, Chapter 52, Code of Virginia.				
A. The Department of Education shall serve as fiscal agent to administer funds cited in paragraphs B and C.				
B.1.a. Out of this appropriation, \$260,642,978 the first year and \$268,974,546 the second year from the general fund and \$51,607,746 the first year and \$57,632,329 the second year from nongeneral funds shall be used for the state pool of funds pursuant to § 2.2-5211, Code of Virginia. This appropriation shall consist of a Medicaid pool allocation, and a non-Medicaid pool allocation.				
b. The Medicaid state pool allocation shall consist of \$28,526,197 the first year and \$31,214,350 the second year from the general fund and \$43,187,748 the first year and \$48,212,331 the second year from nongeneral funds. The Office of Children's Services will transfer these funds to the Department of Medical Assistance Services as they are needed to pay Medicaid provider claims.				
c. The non-Medicaid state pool allocation shall consist of \$232,116,781 the first year and \$237,760,196 the second year from the general fund and \$8,419,998 the first year and \$8,419,998 the second year from nongeneral funds. The nongeneral funds shall be transferred from the Department of Social Services.				
d. The Office of Children's Services, with the concurrence of the Department of Planning and Budget, shall have the authority to transfer the general fund allocation between the Medicaid and non-Medicaid state pools in the event that a shortage should exist in either of the funding pools.				
e. The Office of Children's Services, per the policy of the State Executive Council, shall deny state pool funding to any locality not in compliance with federal and state requirements pertaining to the provision of special education and foster care services funded in accordance with § 2.2-5211, Code of Virginia.				
2.a. Out of this appropriation, \$53,620,114 the first year and \$55,666,865 the second year from the general fund and \$1,000,000 the first year and \$1,000,000 the second year from nongeneral funds shall be set aside to pay for the state share of supplemental requests from localities that have exceeded their state allocation for mandated services. The nongeneral funds shall be transferred from the Department of Social Services.				
b. In each year, the director of the Office of Children's Services may approve and obligate supplemental funding requests in excess of the amount in 2a above, for mandated pool fund expenditures up to 10 percent of the total general fund appropriation authority in B1a in this Item.				
c. The State Executive Council shall maintain local government performance measures to include, but not be limited to, use of federal funds for state and local support of the Children's Services Act.				
d. Pursuant to § 2.2-5200, Code of Virginia, Community Policy and Management Teams				

ITEM 292.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	shall seek to ensure that services and funding are consistent with the Commonwealth's				
2	policies of preserving families and providing appropriate services in the least restrictive				
3	environment, while protecting the welfare of children and maintaining the safety of the public.				
4	Each locality shall submit to the Office of Children's Services information on utilization of				
5	residential facilities for treatment of children and length of stay in such facilities. By				
6	December 15 of each year, the Office of Children's Services shall report to the Governor and				
7	Chairmen of the House Appropriations and Senate Finance Committees on utilization rates				
8	and average lengths of stays statewide and for each locality.				
9	3. Each locality receiving funds for activities under the Children's Services Act (CSA) shall				
10	have a utilization management process, including a uniform assessment, approved by the				
11	State Executive Council, covering all CSA services. Utilizing a secure electronic site, each				
12	locality shall also provide information as required by the Office of Children's Services to				
13	include, but not be limited to case specific information, expenditures, number of youth served				
14	in specific CSA activities, length of stay for residents in core licensed residential facilities,				
15	and proportion of youth placed in treatment settings suggested by the uniform assessment				
16	instrument. The State Executive Council, utilizing this information, shall track and report on				
17	child specific outcomes for youth whose services are funded under the Children's Services				
18	Act. Only non-identifying demographic, service, cost and outcome information shall be				
19	released publicly. Localities requesting funding from the set aside in paragraph 2.a. and 2.b.				
20	must demonstrate compliance with all CSA provisions to receive pool funding.				
21	4. The Secretary of Health and Human Resources, in consultation with the Secretary of				
22	Education and the Secretary of Public Safety and Homeland Security, shall direct the actions				
23	for the Departments of Social Services, Education, and Juvenile Justice, Medical Assistance				
24	Services, Health, and Behavioral Health and Developmental Services, to implement, as part of				
25	ongoing information systems development and refinement, changes necessary for state and				
26	local agencies to fulfill CSA reporting needs.				
27	5. The State Executive Council shall provide localities with technical assistance on ways to				
28	control costs and on opportunities for alternative funding sources beyond funds available				
29	through the state pool.				
30	6. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the				
31	general fund is provided for a combination of regional and statewide meetings for technical				
32	assistance to local community policy and management teams, family assessment and planning				
33	teams, and local fiscal agents. Training shall include, but not be limited to, cost containment				
34	measures, building community-based services, including creation of partnerships with private				
35	providers and non-profit groups, utilization management, use of alternate revenue sources,				
36	and administrative and fiscal issues. A state-supported institution of higher education, in				
37	cooperation with the Virginia Association of Counties, the Virginia Municipal League, and				
38	the State Executive Council, may assist in the provisions of this paragraph. A training plan				
39	shall be presented to and approved by the State Executive Council before the beginning of				
40	each fiscal year. A training calendar and timely notice of programs shall be provided to				
41	Community Policy and Management Teams and family assessment and planning team				
42	members statewide as well as to local fiscal agents and chief administrative officers of cities				
43	and counties. A report on all regional and statewide training sessions conducted during the				
44	fiscal year, including (i) a description of each program and trainers, (ii) the dates of the				
45	training and the number of attendees for each program, (iii) a summary of evaluations of these				
46	programs by attendees, and (iv) the funds expended, shall be made to the Chairmen of the				
47	House Appropriations and Senate Finance Committees and to the members of the State				
48	Executive Council by December 1 of each year. Any funds unexpended for this purpose in the				
49	first year shall be reappropriated for the same use in the second year.				
50	7. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the				
51	general fund is provided for the Office of Children's Services to contract for the support of				
52	uniform CSA reporting requirements.				
53	8. The State Executive Council shall require a uniform assessment instrument.				
54	9. The Office of Children's Services, in conjunction with the Department of Social Services,				
55	shall determine a mechanism for reporting Temporary Assistance for Needy Families				
56	Maintenance of Effort eligible costs incurred by the Commonwealth and local governments				
57	for the Children's Services Act.				

ITEM 292.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	10. For purposes of defining cases involving only the payment of foster care maintenance,				
2	pursuant to § 2.2-5209, Code of Virginia, the definition of foster care maintenance used by				
3	the Virginia Department of Social Services for federal Title IV-E shall be used.				
4	C. The funding formula to carry out the provisions of the Children's Services Act is as				
5	follows:				
6	1. Allocations. The allocations for the Medicaid and non-Medicaid pools shall be the				
7	amounts specified in paragraphs B.1.b. and B.1.c. in this Item. These funds shall be				
8	distributed to each locality in each year of the biennium based on the greater of that				
9	locality's percentage of actual 1997 Children's Services Act pool fund program				
10	expenditures to total 1997 pool fund program expenditures or the latest available three-				
11	year average of actual pool fund program expenditures as reported to the state fiscal agent.				
12	2. Local Match. All localities are required to appropriate a local match for the base year				
13	funding consisting of the actual aggregate local match rate based on actual total 1997				
14	program expenditures for the Children's Services Act. This local match rate shall also				
15	apply to all reimbursements from the state pool of funds in this Item and carryforward				
16	expenditures submitted prior to September 30 each year for the preceding fiscal year,				
17	including administrative reimbursements under paragraph C.4. in this Item.				
18	3.a. Notwithstanding the provisions of C.2. of this Item, beginning July 1, 2008, the local				
19	match rate for community based services for each locality shall be reduced by 50 percent.				
20	b. Localities shall review their caseloads for those individuals who can be served				
21	appropriately by community-based services and transition those cases to the community				
22	for services. Beginning July 1, 2009, the local match rate for non-Medicaid residential				
23	services for each locality shall be 25 percent above the fiscal year 2007 base. Beginning				
24	July 1, 2011, the local match rate for Medicaid residential services for each locality shall				
25	be 25 percent above the fiscal year 2007 base.				
26	c. By December 1 of each year, The State Executive Council (SEC) shall provide an				
27	update to the Governor and the Chairmen of the House Appropriations and Senate Finance				
28	Committees on the outcomes of this initiative.				
29	d. At the direction of the State Executive Council, local Community Policy and				
30	Management Teams (CPMTs) and Community Services Boards (CSBs) shall work				
31	collaboratively in their service areas to develop a local plan for intensive care coordination				
32	(ICC) services that best meets the needs of the children and families. If there is more than				
33	one CPMT in the CSB's service area, the CPMTs and the CSB may work together as a				
34	region to develop a plan for ICC services. Local CPMTs and CSBs shall also work				
35	together to determine the most appropriate and cost-effective provider of ICC services for				
36	children in their community who are placed in, or at-risk of being placed in, residential				
37	care through the Children's Services Act, in accordance with guidelines developed by the				
38	State Executive Council. The State Executive Council and Office of Children's Services				
39	shall establish guidelines for reasonable rates for ICC services and provide training and				
40	technical assistance to CPMTs and fiscal agents regarding these services.				
41	e. The local match rate for all non-Medicaid services provided in the public schools after				
42	June 30, 2011 shall equal the fiscal year 2007 base.				
43	4. Local Administrative Costs. Out of this appropriation, an amount equal to two percent				
44	of the fiscal year 1997 pool fund allocations, not to exceed \$2,060,000 the first year and				
45	\$2,060,000 the second year from the general fund, shall be allocated among all localities				
46	for administrative costs. Every locality shall be required to appropriate a local match				
47	based on the local match contribution in paragraph C.2. of this Item. Inclusive of the state				
48	allocation and local matching funds, every locality shall receive the larger of \$12,500 or				
49	an amount equal to two percent of the total pool allocation. Localities are encouraged to				
50	use administrative funding to hire a full-time or part-time local coordinator for the				
51	Children's Services Act program. Localities may pool this administrative funding to hire				
52	regional coordinators.				
53	5. Definition. For purposes of the funding formula in the Children's Services Act,				
54	"locality" means city or county.				

ITEM 292.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	D. Community Policy and Management Teams shall use Medicaid-funded services whenever				
2	they are available for the appropriate treatment of children and youth receiving services under				
3	the Children's Services Act. Effective July 1, 2009, pool funds shall not be spent for any				
4	service that can be funded through Medicaid for Medicaid-eligible children and youth except				
5	when Medicaid-funded services are unavailable or inappropriate for meeting the needs of a				
6	child.				
7	E. Pursuant to subdivision 3 of § 2.2-5206, Code of Virginia, Community Policy and				
8	Management Teams shall enter into agreements with the parents or legal guardians of children				
9	receiving services under the Children's Services Act. The Office of Children's Services shall				
10	be a party to any such agreement. If the parent or legal guardian fails or refuses to pay the				
11	agreed upon sum on a timely basis and a collection action cannot be referred to the Division				
12	of Child Support Enforcement of the Department of Social Services, upon the request of the				
13	community policy management team, the Office of Children's Services shall make a claim				
14	against the parent or legal guardian for such payment through the Department of Law's				
15	Division of Debt Collection in the Office of the Attorney General.				
16	F. The Office of Children's Services, in cooperation with the Department of Medical				
17	Assistance Services, shall provide technical assistance and training to assist residential and				
18	treatment foster care providers who provide Medicaid-reimbursable services through the				
19	Children's Services Act to become Medicaid-certified providers.				
20	G. The Office of Children's Services shall work with the State Executive Council and the				
21	Department of Medical Assistance Services to assist Community Policy and Management				
22	Teams in appropriately accessing a full array of Medicaid-funded services for Medicaid-				
23	eligible children and youth through the Children's Services Act, thereby increasing Medicaid				
24	reimbursement for treatment services and decreasing the number of denials for Medicaid				
25	services related to medical necessity and utilization review activities.				
26	H. Pursuant to subdivision 21 of § 2.2-2648, Code of Virginia, no later than December 20 in				
27	the odd-numbered years, the State Executive Council shall biennially publish and disseminate				
28	to members of the General Assembly and Community Policy and Management Teams a				
29	progress report on services for children, youth, and families and a plan for such services for				
30	the succeeding biennium.				
31	I. Out of this appropriation, \$275,000 the first year and \$275,000 the second year from the				
32	general fund shall be used to purchase and maintain an information system to provide quality				
33	and timely child demographic, service, expenditure, and outcome data.				
34	J. The State Executive Council shall work with the Department of Education to ensure that				
35	funding in this Item is sufficient to pay for the educational services of students that have been				
36	placed in or admitted to state or privately operated psychiatric or residential treatment				
37	facilities to meet the educational needs of the students as prescribed in the student's Individual				
38	Educational Plan (IEP).				
39	K.1. The Office of Children's Services (OCS) shall report on funding for therapeutic foster				
40	care services including but not limited to the number of children served annually, average cost				
41	of care, type of service provided, length of stay, referral source, and ultimate disposition. In				
42	addition, the OCS shall provide guidance and training to assist localities in negotiating				
43	contracts with therapeutic foster care providers.				
44	2. The Office of Children's Services shall report on funding for special education day				
45	treatment and residential services, including but not limited to the number of children served				
46	annually, average cost of care, type of service provided, length of stay, referral source, and				
47	ultimate disposition.				
48	3. The Office of Children's Services shall report by December 1 of each year the information				
49	included in this paragraph to the Chairmen of the House Appropriations and Senate Finance				
50	Committees.				
51	L. Out of this appropriation, the Director, Office of Children's Services, shall allocate				
52	\$2,200,000 the first year and \$2,200,000 the second year from the general fund to localities				
53	for wrap-around services for students with disabilities as defined in the Children's Services				
54	Act policy manual.				

ITEM 292.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	M. Notwithstanding any other provision of law, the rates paid by localities to providers of				
2	private day special education services under the Children's Services Act shall not increase				
3	more than two percent the first year above the rates paid in the prior fiscal year. All				
4	localities shall submit their contracted rates for private day education services to the				
5	Office of Children's Services by August 1 of each year.				
6	N. Any funds in this Item that remain unexpended on June 30, 2022 shall not revert to the				
7	general fund but shall be carried forward and reappropriated for the purposes outlined in				
8	paragraph B of this Item.				
9	293. Not set out.				
10	293.10 Not set out.				
11	Total for Children's Services Act.....			\$371,589,472	\$387,273,012
12	General Fund Positions.....	14.00	15.00		
13	Position Level.....	14.00	15.00		
14	Fund Sources: General.....	\$318,981,726	\$329,640,683		
15	Federal Trust.....	\$52,607,746	\$57,632,329		
16	Grand Total for Secretary of Health and Human				
17	Resources.....			\$372,467,536	\$388,151,076
18	General Fund Positions.....	19.00	20.00		
19	Position Level.....	19.00	20.00		
20	Fund Sources: General.....	\$319,859,790	\$330,518,747		
21	Federal Trust.....	\$52,607,746	\$57,632,329		
22	294. Not set out.				
23	§ 1-25. DEPARTMENT OF HEALTH (601)				
24	295. Not set out.				
25	296. Not set out.				
26	297. Not set out.				
27	298. Not set out.				
28	299. Communicable Disease Prevention and Control				
29	(40500).....			\$128,626,159	\$248,857,180
30	Immunization Program (40502).....	\$26,150,186	\$67,284,870		
31	Tuberculosis Prevention and Control (40503).....	\$2,174,878	\$2,224,878		
32	Sexually Transmitted Disease Prevention and				
33	Control (40504).....	\$3,393,106	\$3,393,106		
34	Disease Investigation and Control Services				
35	(40505).....	\$6,405,068	\$84,676,405		
36	HIV/AIDS Prevention and Treatment Services				
37	(40506).....	\$88,359,214	\$88,634,214		
38	Pharmacy Services (40507).....	\$2,143,707	\$2,643,707		
39	Fund Sources: General.....	\$11,317,437	\$13,145,146		
40	Special.....	\$1,883,391	\$2,708,391		
41	Federal Trust.....	\$115,425,331	\$233,003,643		
42	Authority: §§ 32.1-11.1, 32.1-11.2, and 32.1-35 through 32.1-73, Code of Virginia; and				
43	P.L. 91-464, as amended, Federal Code.				

ITEM 299.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	A. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the				
2	general fund shall be used to purchase medications for individuals who have tuberculosis but				
3	who do not qualify for free or reduced prescription drugs and who do not have adequate				
4	income or insurance coverage to purchase the required prescription drugs.				
5	B. Out of this appropriation, \$40,000 the first year and \$40,000 the second year from the				
6	general fund shall be provided to the Division of Tuberculosis Control for the purchase of				
7	medications and supplies for individuals who have drug-resistant tuberculosis and require				
8	treatment with expensive, second-line antimicrobial agents.				
9	C. The requirement for testing of tuberculosis isolates set out in § 32.1-50 E, Code of				
10	Virginia, shall be satisfied by the submission of samples to the Division of Consolidated				
11	Laboratory Services, or such other laboratory as may be designated by the Board of Health.				
12	D. Out of this appropriation, \$840,288 the first year and \$840,288 the second year from				
13	nongeneral funds shall be used to purchase the Tdap (tetanus/diphtheria/pertussis) vaccine for				
14	children without insurance.				
15	E. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the				
16	general fund shall be provided to the State Pharmaceutical Assistance Program (SPAP) for				
17	insurance premium payments, coinsurance payments, and other out-of-pocket costs for				
18	individuals participating in the Virginia Medication Assistance Program (VA MAP), formerly				
19	AIDS Drug Assistance Program, with incomes meeting the VA MAP's current requirements				
20	and who are Medicare prescription drug coverage beneficiaries.				
21	F. The State Health Commissioner shall monitor patients who have been removed or diverted				
22	from the Virginia AIDS Drug Assistance Program due to budget considerations. At a				
23	minimum the Commissioner shall monitor patients to determine if they have been				
24	successfully enrolled in a private Pharmacy Assistance Program or other program to receive				
25	appropriate anti-retroviral medications. The commissioner shall also monitor the program to				
26	assess whether a waiting list has developed for services provided through the ADAP program.				
27	The commissioner shall report findings to the Chairmen of the House Appropriations and				
28	Senate Finance Committees annually on October 1.				
29	G. The Virginia Department of Health shall report for each month within 30 days after the end				
30	of each month, on the number of procedures approved for payment pursuant to § 32.1-92.2,				
31	Code of Virginia, and include a description of the nature of the fetal abnormality, to the extent				
32	permitted by law, as required for eligibility under § 32.1-92.2, Code of Virginia. The				
33	department shall report the information by letter to the Chairmen of the House Appropriations				
34	and Senate Finance Committees.				
35	H. The Virginia Department of Health, in cooperation with the Department of Behavioral				
36	Health and Developmental Services (DBHDS), shall utilize \$1,600,011 each year from				
37	available federal funding in DBHDS, including the State Opioid Response Grant, as available,				
38	to purchase and provide opioid reversal drugs to support community rescue efforts for those				
39	who deal with vulnerable populations.				
40	I. The Department of Health shall convene a work group, which shall include the				
41	Commonwealth's Chief Diversity, Equity, and Inclusion Officer and representatives of the				
42	Office of Health Equity of the Department of Health, the Department of Emergency				
43	Management, and such other stakeholders as the department shall deem appropriate and				
44	which may be an existing work group or other entity previously convened for a related				
45	purpose, to (i) evaluate the methods by which vaccines and other medications necessary to				
46	treat or prevent the spread of COVID-19 are made available to the public, (ii) identify and				
47	develop a plan to implement specific actions necessary to ensure such vaccines and other				
48	medications are equitably distributed in the Commonwealth to ensure all residents of the				
49	Commonwealth are able to access such vaccines and other medications, and (iii) make				
50	recommendations for any statutory, regulatory, or budgetary actions necessary to implement				
51	such plan. The Department shall make an initial report on its activities and any findings to the				
52	Chairs of the House Committee on Health, Welfare and Institutions and the Senate Committee				
53	on Education and Health by December 1, 2020, and shall report monthly thereafter.				
54	J. The Virginia Department of Health shall review and update their data collection and				
55	reporting protocols for COVID-19 or other infectious disease data to report actual deaths not				

ITEM 299.		Item Details(\$)		Appropriations(\$)	
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1	an extrapolated projection of deaths.				
2	K. The State Health Commissioner shall ensure that residents and employees of any				
3	nursing home or assisted living facility receive priority for testing indicating the existence				
4	of the COVID-19 virus in the Commonwealth. The Commissioner shall make available				
5	public health testing, if necessary, in order to ensure that nursing homes or assisted living				
6	facilities have access to testing that can provide the most rapid results in order to prevent				
7	or contain outbreaks of COVID-19. Such testing shall be provided, as needed, by the				
8	Division of Consolidated Laboratory Services or other public health testing agencies of				
9	the Commonwealth. Any testing costs through the public health system for employees or				
10	residents of nursing homes or assisted living facilities may be billed to responsible third-				
11	parties.				
12	L.1. Out of this appropriation, \$722,472 the first year and \$1,444,944 the second year				
13	from nongeneral funds is provided to contract for COVID-19 data modeling and related				
14	services. Of this amount, \$504,000 the first year and \$1,008,000 the second year is				
15	provided to contract with the University of Virginia's Biocomplexity Institute to provide				
16	epidemiologic analysis and foresight into the course of the pandemic. Of the remaining				
17	amount, \$218,472 the first year and \$436,944 the second year is provided to contract with				
18	the RAND Corporation to provide broader surveys of COVID-19 modeling, literature and				
19	policy reviews, and offer expertise.				
20	2. Out of this appropriation, \$18,002,665 the first year and \$59,123,029 the second year				
21	from nongeneral funds is provided to support a mass vaccination campaign when a				
22	COVID-19 vaccine becomes available. This funding shall be used to support the purchase				
23	of equipment and ancillary supplies, information management staff, support for local				
24	health districts, and warehousing and shipping costs. This funding may be used to obtain				
25	doses of vaccine in the event there is no other source of funding for this purpose.				
26	3. The department, with appropriate documentation, may move the funds listed in				
27	subparagraphs 1. and 2. above, as well as funds listed in paragraphs G and H in Item 307,				
28	to any other purpose stated in the listed paragraphs or for other COVID-19 pandemic				
29	response efforts.				
30	4. The department shall maintain sufficient records and documentation to report the				
31	specific use of these funds. No later than August 15, 2021, the department shall report the				
32	use of these funds in FY 2021 along with an estimate of the proposed use of the funding				
33	appropriated in FY 2022 and any additional funds that may be required to respond to the				
34	COVID-19 pandemic to the Governor, Chairperson of the House Appropriations				
35	Committee, the Chairperson of the Senate Finance and Appropriations Committee, and the				
36	Director of the Department of Planning and Budget.				
37	M. Out of this appropriation, \$1,300,000 the second year from the general fund shall be				
38	used to purchase opioid reversal drugs.				
39	N. The Virginia Department of Health shall work with the Department of Behavioral				
40	Health and Developmental Services (DBHDS) to ensure that adequate funding, estimated				
41	at \$2,142,601 the first year and \$4,285,202 the second year, is provided for COVID-19				
42	testing and surveillance at DBHDS state-operated facilities. The Virginia Department of				
43	Health shall include such activity in its plan to the Centers for Disease Control and				
44	Prevention for the use of the federal Epidemiology and Laboratory Capacity for				
45	Prevention and Control of Emerging Infectious Diseases (ELC) funds received pursuant to				
46	the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-				
47	123). The Virginia Department of Health shall transfer such funds to the Department of				
48	Behavioral Health and Developmental Services as necessary for such activities.				
49	O. Out of this appropriation, \$956,377 the second year from the federal Epidemiology and				
50	Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC)				
51	funds received pursuant to the Coronavirus Preparedness and Response Supplemental				
52	Appropriations Act (P.L. 116-123) shall be used for the development and implementation				
53	of a system for sharing information regarding confirmed cases of communicable diseases				
54	of public health threat with emergency medical services agencies in real time during a				
55	declared public health emergency, pursuant to the provisions of House Bill 1989, 2021				
56	Special Session I. The Virginia Department of Health shall include such activity in its plan				

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1	for the use of these funds to the Centers for Disease Control and Prevention.				
2	P. Out of this appropriation, \$34,524,000 from the federal Epidemiology and Laboratory				
3	Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) funds received				
4	through the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L.				
5	116-123) shall be used for COVID-19 testing and contact tracing at state institutions of higher				
6	education. The Virginia Department of Health shall include such activity in its plan for the				
7	use of these funds to the Centers for Disease Control and Prevention and transfer such funds				
8	to the state colleges and universities in accordance with Item 262.80 C. of this act. In the				
9	event, that this funding is not fully utilized by June 30, 2022, the department may reallocate				
10	the funding to other planned uses for the federal funds.				
11	<i>Q. The Department of Health shall allow federal funds allocated for the VISSTA COVID</i>				
12	<i>testing program to be made available to localities or school divisions that request funding to</i>				
13	<i>contract with a vendor directly to implement a school testing program.</i>				
14	300. Not set out.				
15	301. State Health Services (43000).....			\$167,167,937	\$164,546,113
16	Child and Adolescent Health Services (43002).....	\$11,744,457	\$11,744,457		
17	Women's and Infant's Health Services (43005).....	\$11,080,619	\$11,123,335		
18	Chronic Disease Prevention, Health Promotion, and				
19	Oral Health (43015).....	\$11,400,846	\$11,900,846		
20	Injury and Violence Prevention (43016).....	\$4,320,403	\$4,830,863		
21	Women, Infants, and Children (WIC) and				
22	Community Nutrition Services (43017).....	\$128,621,612	\$124,946,612		
23	Fund Sources: General.....	\$6,564,476	\$7,617,652		
24	Special.....	\$3,111,390	\$3,111,390		
25	Dedicated Special Revenue.....	\$64,967,057	\$61,292,057		
26	Federal Trust.....	\$92,525,014	\$92,525,014		
27	Authority: §§ 32.1-11 , 32.1-77 , 32.1-89 , and 32.1-90 , Code of Virginia; P.L. 94-566, as				
28	amended, Title V of the U.S. Social Security Act and Title X of the U.S. Public Health				
29	Service Act, Federal Code; and P.L. 95-627, as amended, Federal Code.				
30	A. Out of this appropriation, \$999,804 the first year and \$999,804 the second year from				
31	special funds is provided to support the newborn screening program and its expansion				
32	pursuant to Chapters 717 and 721, Act of Assembly of 2005, and Chapter 531, 2018 Acts of				
33	Assembly. Fee revenues sufficient to fund the Department of Health's costs of the program				
34	and its expansion shall be transferred from the Division of Consolidated Laboratory Services.				
35	B. The Special Supplemental Nutrition Program for Women, Infants, and Children is exempt				
36	from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.).				
37	C. Out of this appropriation, \$305,000 the first year and \$305,000 the second year from the				
38	general fund shall be provided to the department's sickle cell program to address rising				
39	pediatric caseloads in the current program. Any remaining funds shall be used to develop				
40	transition services for youth who will require adult services to ensure appropriate medical				
41	services are available and provided for youth who age out of the current program.				
42	D. It is the intent of the General Assembly that the State Health Commissioner continue				
43	providing services through child development clinics and access to children's dental services.				
44	E. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from				
45	the Temporary Assistance for Needy Families (TANF) block grant shall be provided to the				
46	Department of Health for the operation of the Resource Mothers program.				
47	F.1. Out of this appropriation, \$124,470 the first year and \$124,470 the second year from the				
48	general fund and \$82,980 the first year and \$82,980 the second year from nongeneral funds				
49	shall be provided for the Virginia Department of Health to establish and administer a Perinatal				
50	Quality Collaborative. The Perinatal Quality Collaborative shall work to improve pregnancy				
51	outcomes for women and newborns by advancing evidence-based clinical practices and				
52	processes through continuous quality improvement with an initial focus on pregnant women				

ITEM 301.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	with substance use disorder and infants impacted by neonatal abstinence syndrome.				
2	2. Out of this appropriation, \$315,000 the first year and \$315,000 the second year from the				
3	general fund shall be provided to support efforts by the Virginia Neonatal Perinatal				
4	Collaborative (VNPC) to decrease maternal mortality and morbidity. Funding shall be				
5	used for a coordinator position for community engagement, training and education; the				
6	development of a pilot program of the Centers for Disease Control's levels of care				
7	assessment (LOCATe) tool in the Richmond metropolitan region and Tidewater region;				
8	and development of a Project ECHO tele-education model for education and training.				
9	Funding shall also be used to assist the VNPC with expanding capacity to address these				
10	issues through the use of software to advance data analytics.				
11	G.1. Out of the appropriation, \$100,000 the first year and \$650,000 the second year from				
12	the general fund shall be transferred to the Virginia Sexual and Domestic Violence				
13	Prevention Fund.				
14	2. The Department of Health shall continue to award and provide federal Rape Prevention				
15	and Education (RPE) funds through the cooperative agreement with the Centers for				
16	Disease Control to the six sexual and domestic violence organizations that received such				
17	funds in year two of the cooperative agreement. If however, the Centers for Disease				
18	Control does not approve or limits the cooperative agreement funding that can be awarded				
19	to these organizations, then the department shall make grants, notwithstanding any other				
20	provision of law, from the Virginia Sexual and Domestic Violence Prevention Fund in an				
21	amount the first year or the second year to ensure the same level of funding the				
22	organizations received in federal RPE funds in year two of the cooperative agreement. <i>The</i>				
23	<i>provisions of this subsection shall sunset effective June 30, 2022.</i>				
24	I. Out of this appropriation, \$305,000 the first year and \$805,000 the second year from the				
25	general fund is provided for a comprehensive adult program for sickle cell disease.				
26	302. Not set out.				
27	303. Not set out.				
28	304. Drinking Water Improvement (50800).....			\$33,122,627	\$33,898,623
29					\$34,381,023
30	Drinking Water Regulation (50801).....	\$10,608,553	\$10,884,549		
31	Drinking Water Construction Financing (50802).....	\$22,046,134	\$22,546,134		
32			\$23,028,534		
33	Public Health Toxicology (50805).....	\$467,940	\$467,940		
34	Fund Sources: General.....	\$4,928,849	\$5,204,845		
35			\$5,687,245		
36	Special.....	\$6,131,045	\$6,131,045		
37	Dedicated Special Revenue.....	\$18,903,934	\$19,403,934		
38	Federal Trust.....	\$3,158,799	\$3,158,799		
39	Authority: §§ 32.1-163 through 32.1-176.7 , 32.1-246 , 32.1-246.1 , and 62.1-44.18 through				
40	62.1-44.19:9 , Code of Virginia; and P.L. 92-500, P.L. 93-523 and P.L. 95-217, Federal				
41	Code.				
42	A. It is the intent of the General Assembly that the Department of Health be the agency				
43	designated to receive and manage general and nongeneral funds appropriated pursuant to				
44	the federal Safe Drinking Water Act of 1996.				
45	B. The fee schedule for charges to community waterworks shall be adjusted to the level				
46	necessary to cover the cost of operating the Waterworks Technical Assistance Program,				
47	consistent with § 32.1-171.1 , Code of Virginia, and shall not exceed \$3.00 per connection				
48	to all community waterworks.				
49	C. Any positions necessary for the Office of Drinking Water to perform regulatory				
50	functions in dispersing federal State and Local Recovery Funds (SLRF) pursuant to the				
51	American Rescue Plan Act of 2021 (ARPA) for drinking water infrastructure shall be				
52	restricted positions and shall expire at the end of the grant period.				

ITEM 304.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	305.	Not set out.				
2	306.	Emergency Preparedness (77500).....			\$34,333,979	\$34,333,979
3						\$37,633,979
4		Emergency Preparedness and Response (77504).....	\$34,333,979	\$34,333,979		
5				\$37,633,979		
6		Fund Sources: General.....	\$0	\$3,300,000		
7		Federal Trust.....	\$34,333,979	\$34,333,979		
8		Authority: §§ 32.1-2, 32.1-39, and 32.1-42, Code of Virginia.				
9	307.	Not set out.				
10	307.10	Not set out.				
11		Total for Department of Health.....			\$797,225,161	\$929,696,654
12						\$933,479,054
13		General Fund Positions.....	1,513.50	1,571.50		
14		Nongeneral Fund Positions.....	2,198.00	2,228.00		
15				2,239.00		
16		Position Level.....	3,711.50	3,799.50		
17				3,810.50		
18		Fund Sources: General.....	\$192,953,062	\$208,119,838		
19				\$211,902,238		
20		Special.....	\$169,842,442	\$170,553,922		
21		Dedicated Special Revenue.....	\$116,052,192	\$116,052,192		
22		Federal Trust.....	\$318,377,465	\$434,970,702		
23	308.	Not set out.				
24	309.	Not set out.				
25	§ 1-26. DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (602)					
26	310.	Not set out.				
27	311.	Not set out.				
28	312.	Children's Health Insurance Program Delivery				
29		(44600).....			\$229,304,933	\$282,255,323
30						\$271,720,435
31		Reimbursements for Medical Services Provided				
32		Under the Family Access to Medical Insurance				
33		Security Plan (44602).....	\$229,304,933	\$282,255,323		
34				\$271,720,435		
35		Fund Sources: General.....	\$48,582,983	\$77,642,193		
36				\$69,912,009		
37		Dedicated Special Revenue.....	\$14,065,627	\$14,065,627		
38		Federal Trust.....	\$166,656,323	\$190,547,503		
39				\$187,742,799		
40		Authority: Title 32.1, Chapter 13, Code of Virginia; Title XXI, Social Security Act, Federal				
41		Code.				
42		A. Pursuant to Chapter 679, Acts of Assembly of 1997, the State Corporation Commission				
43		shall annually, on or before June 30, 1998, and each year thereafter, calculate the premium				
44		differential between: (i) 0.75 percent of the direct gross subscriber fee income derived from				
45		eligible contracts and (ii) the amount of license tax revenue generated pursuant to subdivision				
46		A 4 of § 58.1-2501 for the immediately preceding taxable year and notify the Comptroller of				

ITEM 312.		Item Details(\$)		Appropriations(\$)	
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1	the Commonwealth to transfer such amounts to the Family Access to Medical Insurance				
2	Security Plan Trust Fund as established on the books of the State Comptroller.				
3	B. As a condition of this appropriation, revenues from the Family Access to Medical				
4	Insurance Security Plan Trust Fund, shall be used to match federal funds for the Children's				
5	Health Insurance Program.				
6	C. Every eligible applicant for health insurance as provided for in Title 32.1, Chapter 13,				
7	Code of Virginia, shall be enrolled and served in the program.				
8	D. To the extent that appropriations in this Item are insufficient, the Department of				
9	Planning and Budget shall transfer general fund appropriation, as needed, from Medicaid				
10	Program Services (45600) and Medical Assistance Services for Low Income Children				
11	(46600), if available, into this Item to be used as state match for federal Title XXI funds.				
12	E. The Department of Medical Assistance Services shall make the monthly capitation				
13	payment to managed care organizations for the member months of each month in the first				
14	week of the subsequent month.				
15	F. If any part, section, subsection, paragraph, clause, or phrase of this Item or the				
16	application thereof is declared by the United States Department of Health and Human				
17	Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal				
18	law or regulation, such decisions shall not affect the validity of the remaining portions of				
19	this Item, which shall remain in force as if this Item had passed without the conflicting				
20	part, section, subsection, paragraph, clause, or phrase. Further, if the United States				
21	Department of Health and Human Services or the Centers for Medicare and Medicaid				
22	Services determines that the process for accomplishing the intent of a part, section,				
23	subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict				
24	with federal law and regulation and recommends another method of accomplishing the				
25	same intent, the Director, Department of Medical Assistance Services, after consultation				
26	with the Attorney General, is authorized to pursue the alternative method.				
27	G. The Department of Medical Assistance Services shall seek federal authority through				
28	waiver and State Plan amendments under Titles XIX and XXI of the Social Security Act				
29	to offer medically necessary treatment for substance use disorder in an Institution for				
30	Mental Diseases (IMD) for individuals enrolled in FAMIS MOMS, equivalent to such				
31	benefits offered to pregnant women under the Medicaid state plan and 1115 substance use				
32	disorder demonstration waiver. The department shall have the authority to promulgate				
33	emergency regulations to implement these amendments within 280 days or less from the				
34	enactment of this Act.				
35	H. The Department of Medical Assistance Services shall amend the Virginia Family				
36	Access to Medical Insurance Security (FAMIS) State Plan to allow the payment for				
37	prenatal care for all children regardless of the expectant mother's status, pursuant to				
38	provisions in Title XXI of the federal 2009 CHIP Reauthorization Act that includes care				
39	of all children who upon birth will be U.S. citizens, U.S. nationals, or qualified aliens. The				
40	Department shall have the authority to implement this change effective July 1, 2021, or				
41	consistent with the effective date in the State Plan Amendment approved by the Centers				
42	for Medicare and Medicaid Services (CMS), and prior to completion of any regulatory				
43	process.				
44	313. Medicaid Program Services (45600).....			\$16,296,817,318	\$17,716,819,641
45					\$18,278,277,486
46	Payments for Graduate Medical Education				
47	Residencies (45606).....	\$6,200,000	\$7,700,000		
48	Reimbursements to State-Owned Mental Health				
49	and Intellectual Disabilities Facilities (45607).....	\$74,417,827	\$57,410,714		
50	Reimbursements for Behavioral Health Services				
51	(45608).....	\$43,736,183	\$56,141,152		
52			\$42,682,369		
53	Reimbursements for Medical Services (45609).....	\$10,173,289,793	\$10,673,045,695		
54			\$10,700,259,027		
55	Reimbursements for Long-Term Care Services				
56	(45610).....	\$1,535,198,255	\$1,937,756,017		
57			\$1,935,993,619		

ITEM 313.		Item Details(\$)		Appropriations(\$)	
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1	Payments for Healthcare Coverage for Low-Income				
2	Uninsured Adults (45611).....	\$4,463,975,260	\$4,984,766,063		
3			\$5,534,231,757		
4	Fund Sources: General.....	\$4,343,953,280	\$5,299,837,047		
5			\$4,409,096,379		
6	Dedicated Special Revenue.....	\$1,395,490,789	\$1,459,083,712		
7			\$1,548,631,743		
8	Federal Trust.....	\$10,557,373,249	\$10,957,898,882		
9			\$12,320,549,364		
10	Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-97, as amended, Title				
11	XIX, Social Security Act, Federal Code.				
12	A. Out of this appropriation, \$32,942,430 the first year and \$26,925,625 the second year from				
13	the general fund and \$41,428,799 the first year and \$30,485,089 the second year from the				
14	federal trust fund is provided for reimbursement to the institutions within the Department of				
15	Behavioral Health and Developmental Services.				
16	B.1. Included in this appropriation is \$6,199,648 the first year and \$8,497,374 the second year				
17	from the general fund and \$25,388,407 the first year and \$27,686,133 the second year from				
18	nongeneral funds to reimburse the Virginia Commonwealth University Health System for				
19	indigent health care costs as reported by the hospital and adjusted by the department for				
20	indigent care savings related to Medicaid expansion. This funding is composed of				
21	disproportionate share hospital (DSH) payments, indirect medical education (IME) payments,				
22	and any Medicaid profits realized by the Health System. Payments made from the federal				
23	DSH fund shall be made in accordance with 42 USC 1396r-4.				
24	2. Included in this appropriation is \$15,281,075 the first year and \$16,408,501 the second year				
25	from the general fund and \$29,995,853 the first year and \$31,123,279 the second year from				
26	nongeneral funds to reimburse the University of Virginia Health System for indigent health				
27	care costs as reported by the hospital and adjusted by the department for indigent care savings				
28	related to Medicaid expansion. This funding is comprised of disproportionate share hospital				
29	(DSH) payments, indirect medical education (IME) payments, and any Medicaid profits				
30	realized by the Health System. Payments made from the federal DSH fund shall be made in				
31	accordance with 42 USC 1396r-4.				
32	3. The general fund amounts for the state teaching hospitals have been reduced to mirror the				
33	general fund impact of reduced and no inflation for inpatient services in prior years. It also				
34	includes reductions associated with prior year indigent care reductions. However, the				
35	nongeneral funds are appropriated. In order to receive the nongeneral funds in excess of the				
36	amount of the general fund appropriated, the health systems shall certify the public				
37	expenditures.				
38	4. The Department of Medical Assistance Service shall have the authority to increase				
39	Medicaid payments for Type One hospitals and physicians consistent with the appropriations				
40	to compensate for limits on disproportionate share hospital (DSH) payments to Type One				
41	hospitals that the department would otherwise make. In particular, the department shall have				
42	the authority to amend the State Plan for Medical Assistance to increase physician				
43	supplemental payments for physician practice plans affiliated with Type One hospitals up to				
44	the average commercial rate as demonstrated by University of Virginia Health System and				
45	Virginia Commonwealth University Health System, to change reimbursement for Graduate				
46	Medical Education to cover costs for Type One hospitals, to case mix adjust the formula for				
47	indirect medical education reimbursement for HMO discharges for Type One hospitals and to				
48	increase the adjustment factor for Type One hospitals to 1.0. The department shall have the				
49	authority to implement these changes prior to completion of any regulatory process				
50	undertaken in order to effect such change.				
51	C.1. The estimated revenue for the Virginia Health Care Fund is \$567,403,148 the first year				
52	and \$496,601,500 \$629,360,327 the second year, to be used pursuant to the uses stated in §				
53	32.1-367, Code of Virginia.				
54	2. Notwithstanding any other provision of law, revenues deposited to the Virginia Health Care				
55	Fund shall only be used as the state share of Medicaid unless specifically authorized by this				
56	Act.				

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1	3. Notwithstanding § 32.1-366, Code of Virginia, the State Comptroller shall deposit 41.5				
2	percent of the Commonwealth's allocation of the Master Settlement Agreement with				
3	tobacco product manufacturers, as defined in § 3.2-3100, Code of Virginia, to the Virginia				
4	Health Care Fund.				
5	4. Any repayment by managed care organizations resulting from exceeding their profit				
6	caps for not meeting the medical loss ratios pursuant to their contracts with the				
7	Department of Medical Assistance Services, shall be deposited to the Health Care Fund.				
8	D. If any part, section, subsection, paragraph, clause, or phrase of this Item or the				
9	application thereof is declared by the United States Department of Health and Human				
10	Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal				
11	law or regulation, such decisions shall not affect the validity of the remaining portions of				
12	this Item, which shall remain in force as if this Item had passed without the conflicting				
13	part, section, subsection, paragraph, clause, or phrase. Further, if the United States				
14	Department of Health and Human Services or the Centers for Medicare and Medicaid				
15	Services determines that the process for accomplishing the intent of a part, section,				
16	subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict				
17	with federal law and regulation and recommends another method of accomplishing the				
18	same intent, the Director, Department of Medical Assistance Services, after consultation				
19	with the Attorney General, is authorized to pursue the alternative method.				
20	E.1. At least 45 days prior to the submission of any state plan or waiver amendment or				
21	renewal of such, to the Centers for Medicare and Medicaid Services (CMS) or change in				
22	the contracts with managed care organizations that may impact the capitation rates, the				
23	Department of Medical Assistance Services (DMAS) shall provide written notification to				
24	the Director, Department of Planning and Budget as to the purpose of such change. This				
25	notice shall also assess whether the amendment will require any future state regulatory				
26	action or expenditure beyond that which is appropriated in this Act. If the Department of				
27	Planning and Budget, after review of the proposed change, determines that it may likely				
28	result in a material fiscal impact on the general fund, for which no legislative				
29	appropriation has been provided, then the Department of Medical Assistance Services				
30	shall delay the proposed change until the General Assembly authorizes such action and				
31	notify the Chairs of the House Appropriations and Senate Finance and Appropriations				
32	Committees of such action.				
33	2. Effective July 1, 2020, the Department of Medical Assistance Services shall have the				
34	authority to include the following modifications to the Commonwealth Coordinated Care				
35	Plus and Medallion 4.0 contracts:				
36	a) Expand care coordination for adoption assistance members;				
37	b) Require that all foster care children receive a physician and dental visit within the first				
38	30 days of plan enrollment;				
39	d) Require Patient utilization Management and Safety (PUMS) Program “lock-in” re-				
40	evaluations for members changing plans;				
41	g) Develop strategies to keep mom and baby together during residential SUD treatment;				
42	l) Waive the signature requirement for non-emergency transportation providers;				
43	m) Establish payment targets for the total portion of medical spending covered under a				
44	value based payment arrangement; and				
45	n) Require CCC Plus plans to upgrade Medicare Dual Special Needs Plans (D-SNPs) to				
46	Medicare Fully Integrated Dual Eligible Special Needs Plans (FIDE-SNPS).				
47	3. Effective July 1, 2020, the Department of Medical Assistance Services shall amend its				
48	CCC Plus and Medallion 4.0 contracts with managed care organizations (MCOs) to				
49	include the following provisions related to community mental health and rehabilitation				
50	services:				
51	a) Clarify that required response times are based on calendar days, not business days.				

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1	b) Require that, in any case where a service authorization or reauthorization for community				
2	mental health and rehabilitation services, is not approved or denied within the National				
3	Committee for Quality Assurance (NCQA) response time standard, the provider shall assume				
4	to have approval to provide the service and receive payment until date of denial.				
5	c) Clarify response time requirements for weekends and holidays, to the extent that they differ				
6	from the NCQA response time standards.				
7	d) Clarify how MCOs are to determine if a service authorization is considered urgent or non-				
8	urgent as it pertains to the NCQA response time standards.				
9	4. The department shall amend its contracts with managed care organizations to direct the				
10	MCOs to modify their contracts with providers to include the requirements from paragraphs a.				
11	through d. above.				
12	5. The department shall track and report on compliance with NCQA response time standards				
13	for each MCO, broken down by service type. Such tracking shall include: (i) How often total				
14	response time, from initial submittal until service authorization or denial, exceeds the NCQA				
15	standards; and (ii) How often appeals are filed, and of those, how often are services				
16	subsequently approved and how often they are denied. The department shall publish the data				
17	on these items on a quarterly basis to the department's website.				
18	6. In addition to the changes specified in E.2., DMAS shall have authority to include				
19	modifications to the Commonwealth Coordinated Care Plus and Medallion 4.0 contracts as				
20	necessary to implement actions specifically authorized through language included in this Act.				
21	7. The department shall conduct an analysis and report on the costs and benefits to amending				
22	the Commonwealth Coordinated Care Plus and Medallion 4.0 contracts to combine any				
23	applicable medical loss ratios and underwriting gain provisions to ensure uniformity in the				
24	applicability of those provisions to the Joint Subcommittee for Health and Human Resources				
25	Oversight. The report shall be completed by November 15, 2020.				
26	8. The Department of Medical Assistance Services shall develop a plan to merge the				
27	Commonwealth Coordinated Care Plus and Medallion 4.0 programs. The department shall				
28	submit the plan with a feasible timeline for such a merger to the Governor and the Chairs of				
29	the House Appropriations and Senate Finance and Appropriations Committees by November				
30	15, 2020.				
31	9. The Department of Medical Assistance Services shall modify its contracts with managed				
32	care organizations to require annual reporting with regard to Medicaid Community Mental				
33	Health Rehabilitation Services on: (i) the number of providers in their network and their				
34	geographic locations; (ii) the total number of provider terminations by year since fiscal year				
35	2018 and the number terminated with and without cause; (iii) the localities the terminated				
36	providers served; and (iv) the number of Medicaid members the providers were serving prior				
37	to termination of their provider contract. The department shall modify its contracts with the				
38	managed care organizations to require compliance with these provisions, effective July 1,				
39	2021, such that the first reporting of this information by the managed care organizations shall				
40	be submitted by September 1, 2021. The department shall report the data annually, not later				
41	than November 1, to the Joint Subcommittee for Health and Human Resources Oversight.				
42	F.1. The Director, Department of Medical Assistance Services shall seek the necessary				
43	waivers from the United States Department of Health and Human Services to authorize the				
44	Commonwealth to cover health care services and delivery systems, as may be permitted by				
45	Title XIX of the Social Security Act, which may provide less expensive alternatives to the				
46	State Plan for Medical Assistance.				
47	2. At least 30 days prior to the submission of an application for any new waiver of Title XIX				
48	or Title XXI of the Social Security Act, the Department of Medical Assistance Services shall				
49	notify the Chairmen of the House Appropriations and Senate Finance Committees of such				
50	pending application and provide information on the purpose and justification for the waiver				
51	along with any fiscal impact. If the department receives an official letter from either Chairmen				
52	raising an objection about the waiver during the 30-day period, the department shall not				
53	submit the waiver application and shall request authority for such waiver as part of the normal				
54	legislative or budgetary process. If the department receives no objection, then the application				

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1	may be submitted. Any waiver specifically authorized elsewhere in this Item is not subject				
2	to this provision. Waiver renewals are not subject to the provisions of this paragraph.				
3	3. The director shall promulgate such regulations as may be necessary to implement those				
4	programs which may be permitted by Titles XIX and XXI of the Social Security Act, in				
5	conformance with all requirements of the Administrative Process Act.				
6	G. To the extent that appropriations in this Item are insufficient, the Department of				
7	Planning and Budget shall transfer general fund appropriation, as needed, from Children's				
8	Health Insurance Program Delivery (44600) and Medical Assistance Services for Low				
9	Income Children (46600), if available, into this Item to be used as state match for federal				
10	Title XIX funds.				
11	H. Notwithstanding any other provision of law, any unexpended general fund				
12	appropriation remaining in this Item on the last day of each fiscal year shall revert to the				
13	general fund and shall not be reappropriated in the following fiscal year.				
14	I. It is the intent of the General Assembly that the medically needy income limits for the				
15	Medicaid program are adjusted annually to account for changes in the Consumer Price				
16	Index.				
17	J.1.a. As of July 1, 2019, the Community Living (CL) waiver authorizes 11,736 slots.				
18	b. As of July 1, 2019, the Family and Individuals Support (FIS) waiver authorizes 2,983				
19	slots.				
20	c. As of July 1, 2019, the Building Independence (BI) waiver authorizes 400 slots.				
21	2. Notwithstanding Chapters 228 and 303 of the 2009 Virginia Acts of Assembly and				
22	§32.1-323.2 of the Code of Virginia, the Department of Medical Assistance Services shall				
23	not add any slots to the Intellectual Disabilities Medicaid Waiver or the Individual and				
24	Family Developmental Disabilities and Support Medicaid Waiver other than those slots				
25	authorized specifically to support the Money Follows the Person Demonstration,				
26	individuals who are exiting state institutions, any slots authorized under Chapters 724 and				
27	729 of the 2011 Virginia Acts of Assembly or §37.2-319, Code of Virginia, or authorized				
28	elsewhere in this Act.				
29	3. Upon approval by the Centers for Medicare and Medicaid Services of the application				
30	for renewal of the CL, FIS and BI waivers, expeditious implementation of any revisions				
31	shall be deemed an emergency situation pursuant to § 2.2-4002 of the Administrative				
32	Process Act. Therefore, to meet this emergency situation, the Department of Medical				
33	Assistance Services shall promulgate emergency regulations to implement the provisions				
34	of this Act.				
35	4.a. The Department of Medical Assistance Services (DMAS) shall amend the CL waiver				
36	to add 145 new slots effective July 1, 2020 and an additional 95 slots effective July 1,				
37	2021. An amount estimated at \$5,653,333 the first year and \$9,357,240 the second year				
38	from the general fund and \$5,653,333 the first year and \$9,357,240 the second year from				
39	nongeneral funds is provided to cover the anticipated costs of the new slots. These				
40	estimated amounts assume that 20 of the additional slots in each year may be filled with				
41	individuals transitioning from facility care. DMAS shall seek federal approval for				
42	necessary changes to the CL waiver to add the additional slots.				
43	b. The Department of Medical Assistance Services (DMAS) shall amend the FIS waiver to				
44	add 640 new slots effective July 1, 2020 and an additional 890 slots effective July 1, 2021.				
45	An amount estimated at \$10,581,760 the first year and \$25,143,816 \$12,571,908 the				
46	second year from the general fund and \$10,581,760 the first year and \$25,143,816				
47	\$12,571,908 the second year from nongeneral funds is provided to cover the anticipated				
48	costs of the new slots. These estimated amounts assumes that five of the additional slots in				
49	each year may be filled with individuals transitioning from facility care. DMAS shall seek				
50	federal approval for necessary changes to the FIS waiver to add the additional slots.				
51	c. In addition to the new slots added in 4.a. and b., the Department of Medical Assistance				
52	Services (DMAS) shall amend the CL waiver to add 15 new slots effective July 1, 2020				
53	and an additional 15 slots effective July 1, 2021. The Department of Medical Assistance				

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1	Services (DMAS) shall amend the FIS waiver to add 10 new slots effective July 1, 2020 and				
2	an additional 10 slots effective July 1, 2021. These slots shall be held as reserve capacity by				
3	the Department of Behavioral Health and Developmental Services (DBHDS) to address				
4	emergency situations. An amount estimated at \$750,168 the first year and \$1,500,335 the				
5	second year from the general fund and \$750,168 the first year and \$1,500,335 the second year				
6	from nongeneral funds is provided to cover the anticipated costs of the emergency slots.				
7	DMAS shall seek federal approval for necessary changes to the CL and FIS waivers to add				
8	the additional slots. Beginning July 1, 2018, DBHDS shall provide a quarterly report on the				
9	use of the emergency slots provided in this paragraph.				
10	d. The Department of Medical Assistance Services, in collaboration with the Department of				
11	Behavioral Health and Developmental Services, shall separately track all costs, placements				
12	and services associated with the additional slots added in paragraphs J.4.a., J.4.b., and J.4.c.				
13	above. By October 1 of each year, the department shall report this data to the Chairmen of the				
14	House Appropriations and Senate Finance Committees and the Director, Department of				
15	Planning and Budget.				
16	K. The Department of Medical Assistance Services and the Virginia Department of Health				
17	shall work with representatives of the dental community: to expand the availability and				
18	delivery of dental services to pediatric Medicaid recipients; to streamline the administrative				
19	processes; and to remove impediments to the efficient delivery of dental services and				
20	reimbursement thereof. The Department of Medical Assistance Services shall report its efforts				
21	to expand dental services to the Chairmen of the House Appropriations and Senate Finance				
22	Committees and the Director, Department of Planning and Budget by December 15 each year.				
23	L. The Department of Medical Assistance Services shall not require dentists who agree to				
24	participate in the delivery of Medicaid pediatric dental care services, or services provided to				
25	enrollees in the Family Access to Medical Insurance Security (FAMIS) Plan or any variation				
26	of FAMIS, to also deliver services to subscribers enrolled in commercial plans of the				
27	managed care vendor, unless the dentist is a willing participant in the commercial managed				
28	care plan.				
29	M.1. The Department of Medical Assistance Services shall implement continued				
30	enhancements to the drug utilization review (DUR) program. The department shall continue				
31	the Pharmacy Liaison Committee and the DUR Board. The department shall continue to work				
32	with the Pharmacy Liaison Committee, meeting at least semi-annually, to implement				
33	initiatives for the promotion of cost-effective services delivery as may be appropriate. The				
34	department shall solicit input from the Pharmacy Liaison Committee regarding pharmacy				
35	provisions in the development and enforcement of all managed care contracts. The department				
36	shall report on the Pharmacy Liaison Committee's and the DUR Board's activities to the				
37	Board of Medical Assistance Services and to the Chairmen of the House Appropriations and				
38	Senate Finance Committees and the Department of Planning and Budget no later than				
39	December 15 each year of the biennium.				
40	2. The department shall add a representative to the Pharmacy Liaison Committee from the				
41	Virginia Community Healthcare Association to represent pharmacy operations and issues at				
42	federally qualified health centers in Virginia.				
43	N.1. The Department of Medical Assistance Services shall develop and pursue cost saving				
44	strategies internally and with the cooperation of the Department of Social Services, Virginia				
45	Department of Health, Office of the Attorney General, Children's Services Act program,				
46	Department of Education, Department of Juvenile Justice, Department of Behavioral Health				
47	and Developmental Services, Department for Aging and Rehabilitative Services, Department				
48	of the Treasury, University of Virginia Health System, Virginia Commonwealth University				
49	Health System Authority, Department of Corrections, federally qualified health centers, local				
50	health departments, local school divisions, community service boards, local hospitals, and				
51	local governments, that focus on optimizing Medicaid claims and cost recoveries. Any				
52	revenues generated through these activities shall be transferred to the Virginia Health Care				
53	Fund to be used for the purposes specified in this Item.				
54	2. The Department of Medical Assistance Services shall retain the savings necessary to				
55	reimburse a vendor for its efforts to implement paragraph N.1. of this Item. However, prior to				
56	reimbursement, the department shall identify for the Secretary of Health and Human				
57	Resources each of the vendor's revenue maximization efforts and the manner in which each				

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1	vendor would be reimbursed. No reimbursement shall be made to the vendor without the				
2	prior approval of the above plan by the Secretary.				
3	O. The Department of Medical Assistance Services shall have the authority to pay				
4	contingency fee contractors, engaged in cost recovery activities, from the recoveries that				
5	are generated by those activities. All recoveries from these contractors shall be deposited				
6	to a special fund. After payment of the contingency fee any prior year recoveries shall be				
7	transferred to the Virginia Health Care Fund. The Director, Department of Medical				
8	Assistance Services, shall report to the Chairmen of the House Appropriations and Senate				
9	Finance Committees the increase in recoveries associated with this program as well as the				
10	areas of audit targeted by contractors by November 1 each year.				
11	P. The Department of Medical Assistance Services in cooperation with the State Executive				
12	Council, shall provide semi-annual training to local Children's Services Act teams on the				
13	procedures for use of Medicaid for residential treatment and treatment foster care services,				
14	including, but not limited to, procedures for determining eligibility, billing,				
15	reimbursement, and related reporting requirements. The department shall include in this				
16	training information on the proper utilization of inpatient and outpatient mental health				
17	services as covered by the Medicaid State Plan.				
18	Q.1. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, the Department of Medical				
19	Assistance Services, in consultation with the Department of Behavioral Health and				
20	Developmental Services, shall amend the State Plan for Medical Assistance Services to				
21	modify the delivery system of pharmaceutical products to include a Preferred Drug List.				
22	In developing the modifications, the department shall consider input from physicians,				
23	pharmacists, pharmaceutical manufacturers, patient advocates, and others, as appropriate.				
24	2.a. The department shall utilize a Pharmacy and Therapeutics Committee to assist in the				
25	development and ongoing administration of the Preferred Drug List program. The				
26	Pharmacy and Therapeutics Committee shall be composed of 8 to 12 members, including				
27	the Commissioner, Department of Behavioral Health and Developmental Services, or his				
28	designee. Other members shall be selected or approved by the department. The				
29	membership shall include a ratio of physicians to pharmacists of 2:1 and the department				
30	shall ensure that at least one-half of the physicians and pharmacists are either direct				
31	providers or are employed with organizations that serve recipients for all segments of the				
32	Medicaid population. Physicians on the committee shall be licensed in Virginia, one of				
33	whom shall be a psychiatrist, and one of whom specializes in care for the aging.				
34	Pharmacists on the committee shall be licensed in Virginia, one of whom shall have				
35	clinical expertise in mental health drugs, and one of whom has clinical expertise in				
36	community-based mental health treatment. The Pharmacy and Therapeutics Committee				
37	shall recommend to the department (i) which therapeutic classes of drugs should be				
38	subject to the Preferred Drug List program and prior authorization requirements; (ii)				
39	specific drugs within each therapeutic class to be included on the preferred drug list; (iii)				
40	appropriate exclusions for medications, including atypical anti-psychotics, used for the				
41	treatment of serious mental illnesses such as bi-polar disorders, schizophrenia, and				
42	depression; (iv) appropriate exclusions for medications used for the treatment of brain				
43	disorders, cancer and HIV-related conditions; (v) appropriate exclusions for therapeutic				
44	classes in which there is only one drug in the therapeutic class or there is very low				
45	utilization, or for which it is not cost-effective to include in the Preferred Drug List				
46	program; and (vi) appropriate grandfather clauses when prior authorization would				
47	interfere with established complex drug regimens that have proven to be clinically				
48	effective. In developing and maintaining the preferred drug list, the cost effectiveness of				
49	any given drug shall be considered only after it is determined to be safe and clinically				
50	effective.				
51	b. The Pharmacy and Therapeutics Committee shall schedule meetings at least semi-				
52	annually and may meet at other times at the discretion of the chairperson and members. At				
53	the meetings, the Pharmacy and Therapeutics committee shall review any drug in a class				
54	subject to the Preferred Drug List that is newly approved by the Federal Food and Drug				
55	Administration, provided there is at least thirty (30) days notice of such approval prior to				
56	the date of the quarterly meeting.				
57	3. The department shall establish a process for acting on the recommendations made by				

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1	the Pharmacy and Therapeutics Committee, including documentation of any decisions which				
2	deviate from the recommendations of the committee.				
3	4. The Preferred Drug List program shall include provisions for (i) the dispensing of a 72-				
4	hour emergency supply of the prescribed drug when requested by a physician and a				
5	dispensing fee to be paid to the pharmacy for such supply; (ii) prior authorization decisions to				
6	be made within 24 hours and timely notification of the recipient and/or the prescribing				
7	physician of any delays or negative decisions; (iii) an expedited review process of denials by				
8	the department; and (iv) consumer and provider education, training and information regarding				
9	the Preferred Drug List prior to implementation, and ongoing communications to include				
10	computer access to information and multilingual material.				
11	5. The Preferred Drug List program shall generate savings as determined by the department				
12	that are net of any administrative expenses to implement and administer the program.				
13	6. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, to implement these changes, the				
14	Department of Medical Assistance Services shall promulgate emergency regulations to				
15	become effective within 280 days or less from the enactment of this Act. With respect to such				
16	state plan amendments and regulations, the provisions of § 32.1-331.12 et seq., Code of				
17	Virginia, shall not apply. In addition, the department shall work with the Department of				
18	Behavioral Health and Development Services to consider utilizing a Preferred Drug List				
19	program for its non-Medicaid clients.				
20	7. The Department of Medical Assistance Services shall (i) continually review utilization of				
21	behavioral health medications under the State Medicaid Program for Medicaid recipients; and				
22	(ii) ensure appropriate use of these medications according to federal Food and Drug				
23	Administration (FDA) approved indications and dosage levels. The department may also				
24	require retrospective clinical justification according to FDA approved indications and dosage				
25	levels for the use of multiple behavioral health drugs for a Medicaid patient. For individuals				
26	18 years of age and younger who are prescribed three or more behavioral health drugs, the				
27	department may implement clinical edits that target inefficient, ineffective, or potentially				
28	harmful prescribing patterns in accordance with FDA-approved indications and dosage levels.				
29	8. The Department of Medical Assistance Services shall ensure that in the process of				
30	developing the Preferred Drug List, the Pharmacy and Therapeutics Committee considers the				
31	value of including those prescription medications which improve drug regimen compliance,				
32	reduce medication errors, or decrease medication abuse through the use of medication				
33	delivery systems that include, but are not limited to, transdermal and injectable delivery				
34	systems.				
35	R.1. The Department of Medical Assistance Services may amend the State Plan for Medical				
36	Assistance Services to modify the delivery system of pharmaceutical products to include a				
37	specialty drug program. In developing the modifications, the department shall consider input				
38	from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, the Pharmacy				
39	Liaison Committee, and others as appropriate.				
40	2. In developing the specialty drug program to implement appropriate care management and				
41	control drug expenditures, the department shall contract with a vendor who will develop a				
42	methodology for the reimbursement and utilization through appropriate case management of				
43	specialty drugs and distribute the list of specialty drug rates, authorized drugs and utilization				
44	guidelines to medical and pharmacy providers in a timely manner prior to the implementation				
45	of the specialty drug program and publish the same on the department's website.				
46	3. In the event that the Department of Medical Assistance Services contracts with a vendor,				
47	the department shall establish the fee paid to any such contractor based on the reasonable cost				
48	of services provided. The department may not offer or pay directly or indirectly any material				
49	inducement, bonus, or other financial incentive to a program contractor based on the denial or				
50	administrative delay of medically appropriate prescription drug therapy, or on the decreased				
51	use of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who				
52	receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on				
53	the percentage of cost savings generated under the benefit management of services.				
54	4. The department shall: (i) review, update and publish the list of authorized specialty drugs,				
55	utilization guidelines, and rates at least quarterly; (ii) implement and maintain a procedure to				

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1	revise the list or modify specialty drug program utilization guidelines and rates, consistent				
2	with changes in the marketplace; and (iii) provide an administrative appeals procedure to				
3	allow dispensing or prescribing provider to contest the listed specialty drugs and rates.				
4	5. The department shall have authority to enact emergency regulations under § 2.2-4011 of				
5	the Administrative Process Act to effect these provisions.				
6	S.1. The Department of Medical Assistance Services shall reimburse school divisions who				
7	sign an agreement to provide administrative support to the Medicaid program and who				
8	provide documentation of administrative expenses related to the Medicaid program 50				
9	percent of the Federal Financial Participation by the department.				
10	2. The Department of Medical Assistance Services shall retain five percent of the Federal				
11	Financial Participation for reimbursement to school divisions for medical and				
12	transportation services.				
13	T. In the event that the Department of Medical Assistance Services decides to contract for				
14	pharmaceutical benefit management services to administer, develop, manage, or				
15	implement Medicaid pharmacy benefits, the department shall establish the fee paid to any				
16	such contractor based on the reasonable cost of services provided. The department may				
17	not offer or pay directly or indirectly any material inducement, bonus, or other financial				
18	incentive to a program contractor based on the denial or administrative delay of medically				
19	appropriate prescription drug therapy, or on the decreased use of a particular drug or class				
20	of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug				
21	therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost				
22	savings generated under the benefit management of services.				
23	U. The Department of Medical Assistance Services, in cooperation with the Department of				
24	Social Services' Division of Child Support Enforcement (DSCE), shall identify and report				
25	third party coverage where a medical support order has required a custodial or				
26	noncustodial parent to enroll a child in a health insurance plan. The Department of				
27	Medical Assistance Services shall also report to the DCSE third party information that has				
28	been identified through their third party identification processes for children handled by				
29	DCSE.				
30	V.1. Notwithstanding the provisions of § 32.1-325.1:1, Code of Virginia, upon identifying				
31	that an overpayment for medical assistance services has been made to a provider, the				
32	Director, Department of Medical Assistance Services shall notify the provider of the				
33	amount of the overpayment. Such notification of overpayment shall be issued within the				
34	earlier of (i) four years after payment of the claim or other payment request, or (ii) four				
35	years after filing by the provider of the complete cost report as defined in the Department				
36	of Medical Assistance Services' regulations, or (iii) 15 months after filing by the provider				
37	of the final complete cost report as defined in the Department of Medical Assistance				
38	Services' regulations subsequent to sale of the facility or termination of the provider.				
39	2. Notwithstanding the provisions of § 32.1-325.1, Code of Virginia, the director shall				
40	issue an informal fact-finding conference decision concerning provider reimbursement in				
41	accordance with the State Plan for Medical Assistance, the provisions of § 2.2-4019, Code				
42	of Virginia, and applicable federal law. The informal fact-finding conference decision				
43	shall be issued within 180 days of the receipt of the appeal request, except as provided				
44	herein. If the agency does not render an informal fact-finding conference decision within				
45	180 days of the receipt of the appeal request or, in the case of a joint agreement to stay the				
46	appeal decision as detailed below, within the time remaining after the stay expires and the				
47	appeal timeframes resume, the decision is deemed to be in favor of the provider. An				
48	appeal of the director's informal fact-finding conference decision concerning provider				
49	reimbursement shall be heard in accordance with § 2.2-4020 of the Administrative Process				
50	Act (§ 2.2-4020 et seq.) and the State Plan for Medical Assistance provided for in § 32.1-				
51	325, Code of Virginia. The Department of Medical Assistance Services and the provider				
52	may jointly agree to stay the deadline for the informal appeal decision or for the formal				
53	appeal recommended decision of the Hearing Officer for a period of up to sixty (60) days				
54	to facilitate settlement discussions. If the parties reach a resolution as reflected by a				
55	written settlement agreement within the sixty-day period, then the stay shall be extended				
56	for such additional time as may be necessary for review and approval of the settlement				
57	agreement in accordance § 2.2-514 of the Code of Virginia. Once a final agency case				

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1	decision has been made, the director shall undertake full recovery of such overpayment				
2	whether or not the provider disputes, in whole or in part, the informal fact-finding conference				
3	decision or the final agency case decision. Interest charges on the unpaid balance of any				
4	overpayment shall accrue pursuant to § 32.1-313, Code of Virginia, from the date the				
5	Director's agency case decision becomes final.				
6	W. Any hospital that was designated a Medicare-dependent small rural hospital, as defined in				
7	42 U.S.C. §1395ww (d) (5) (G) (iv) prior to October 1, 2004, shall be designated a rural				
8	hospital pursuant to 42 U.S.C. §1395ww (d) (8) (ii) (II) on or after September 30, 2004.				
9	X.1. The Department of Medical Assistance Services shall make programmatic changes in the				
10	provision of Intensive In-Home services and Community Mental Health services in order to				
11	ensure appropriate utilization and cost efficiency. The department shall consider all available				
12	options including, but not limited to, prior authorization, utilization review and provider				
13	qualifications. The Department of Medical Assistance Services shall promulgate regulations				
14	to implement these changes within 280 days or less from the enactment date of this Act.				
15	2. The Department of Medical Assistance Services shall have the authority to implement prior				
16	authorization and utilization review for community-based mental health services for children				
17	and adults. The department shall have the authority to promulgate emergency regulations to				
18	implement this amendment within 280 days or less from the enactment of this Act.				
19	Y. The Department of Medical Assistance Services shall delay the last quarterly payment of				
20	certain quarterly amounts paid to hospitals, from the end of each state fiscal year to the first				
21	quarter of the following year. Quarterly payments that shall be delayed from each June to				
22	each July shall be Disproportionate Share Hospital payments, Indirect Medical Education				
23	payments, and Direct Medical Education payments. The department shall have the authority				
24	to implement this reimbursement change effective upon passage of this Act, and prior to the				
25	completion of any regulatory process undertaken in order to effect such change.				
26	Z. The Department of Medical Assistance Services shall make the monthly capitation				
27	payment to managed care organizations for the member months of each month in the first				
28	week of the subsequent month. The department shall have the authority to implement this				
29	reimbursement schedule change effective upon passage of this Act, and prior to the				
30	completion of any regulatory process undertaken in order to effect such change.				
31	AA. In every June the remittance that would normally be paid to providers on the last				
32	remittance date of the state fiscal year shall be delayed one week longer than is normally the				
33	practice. This change shall apply to the remittances of Medicaid and FAMIS providers. This				
34	change does not apply to providers who are paid a per-month capitation payment. The				
35	department shall have the authority to implement this reimbursement change effective upon				
36	passage of this Act, and prior to the completion of any regulatory process undertaken in order				
37	to effect such change.				
38	BB. The Department of Medical Assistance Services shall impose an assessment equal to 6.0				
39	percent of revenue on all ICF-ID providers. The department shall determine procedures for				
40	collecting the assessment, including penalties for non-compliance. The department shall have				
41	the authority to adjust interim rates to cover new Medicaid costs as a result of this assessment.				
42	CC. Effective July 1, 2021, the Department of Medical Assistance Services shall amend the				
43	State Plan for Medical Assistance to revise per diem rates paid to Virginia-based psychiatric				
44	residential treatment facilities using the provider's audited cost per day from the facility's cost				
45	report for provider fiscal years ending in state fiscal year 2018. New Virginia-based				
46	residential psychiatric facilities must submit proforma cost report data, which will be used to				
47	set the initial per diem rate for up to two years. After this period, the department shall				
48	establish a per diem rate based on an audited cost report for a 12-month period within the first				
49	two years of operation. Virginia-based residential psychiatric facilities that do not submit cost				
50	reports shall be paid at 75 percent of the established rate ceiling. If necessary to enroll out-of-				
51	state providers for network adequacy, the department shall negotiate rates. If there is				
52	sufficient utilization, the department may require out-of-state providers to submit a cost report				
53	to establish a per diem rate. In-state and out-of-state provider per diem rates shall be subject				
54	to a ceiling based on the statewide weighted average cost per day from fiscal year 2018 cost				
55	reports. The department shall have the authority to implement these changes effective July 1,				
56	2021 and prior to the completion of any regulatory process undertaken in order to effect such				

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1	change.				
2	DD. The Department of Medical Assistance Services shall work with the Department of				
3	Behavioral Health and Developmental Services in consultation with the Virginia				
4	Association of Community Services Boards, the Virginia Network of Private Providers,				
5	the Virginia Coalition of Private Provider Associations, and the Association of				
6	Community Based Providers, to establish rates for the Intensive In-Home Service based				
7	on quality indicators and standards, such as the use of evidence-based practices.				
8	EE.1. The Department of Medical Assistance Services shall seek federal authority through				
9	the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the				
10	Social Security Act to merge the Commonwealth Coordinated Care Plus and Medallion				
11	4.0 managed care programs, effective July 1, 2022, into a single, streamlined managed				
12	care program that links seamlessly with the fee-for-service program, ensuring an efficient				
13	and well-coordinated Virginia Medicaid delivery system that provides high-quality care to				
14	its members and adds value for providers and the Commonwealth. The department shall				
15	have authority to implement necessary changes upon federal approval and prior to the				
16	completion of any regulatory process undertaken in order to effect such change.				
17	2. The Department of Medical Assistance Services shall conduct an analysis of the impact				
18	of merging the separate Family Access to Medical Insurance Security (FAMIS) population				
19	into a single Children's Health Insurance Program children's eligibility group under				
20	Medicaid. Such analysis shall include the fiscal impact on medical and administrative				
21	costs to the agency, including any savings, the federal and state authorities that would				
22	need to be modified and processes needed to make such change, and a timeline for such				
23	process to occur. The department shall report the results of the analysis to the Chairs of the				
24	House Appropriations and Senate Finance and Appropriations Committees by November				
25	1, 2021.				
26	3. The Department of Medical Assistance shall undertake a review of current contracts				
27	and staffing to determine the operational savings that would result from merging the				
28	Commonwealth Coordinated Care Plus and Medallion 4.0 managed care programs. The				
29	department shall report on its review of such administrative cost savings and merger-				
30	related costs by October 1, 2021 to the Department of Planning and Budget and the Chairs				
31	of the House Appropriations and Senate Finance and Appropriations Committees.				
32	FF. The Department of Medical Assistance Services shall make programmatic changes in				
33	the provision of Residential Treatment Facility (Level C) and Levels A and B residential				
34	services (group homes) for children with serious emotional disturbances in order ensure				
35	appropriate utilization and cost efficiency. The department shall consider all available				
36	options including, but not limited to, prior authorization, utilization review and provider				
37	qualifications. The department shall have authority to promulgate regulations to				
38	implement these changes within 280 days or less from the enactment date of this Act.				
39	GG. The Department of Medical Assistance Services (DMAS) shall have the authority to				
40	amend the State Plan for Medical Assistance to enroll and reimburse freestanding birthing				
41	centers accredited by the Commission for the Accreditation of Birthing Centers.				
42	Reimbursement shall be based on the Enhanced Ambulatory Patient Group methodology				
43	applied in a manner similar to the reimbursement methodology for ambulatory surgery				
44	centers. The department shall have authority to implement necessary changes upon federal				
45	approval and prior to the completion of any regulatory process undertaken in order to				
46	effect such change.				
47	HH. The department may seek federal authority through amendments to the State Plans				
48	under Title XIX and XXI of the Social Security Act, and appropriate waivers to such, to				
49	develop and implement programmatic and system changes that allow expedited				
50	enrollment of Medicaid eligible recipients into Medicaid managed care, most importantly				
51	for pregnant women. The department shall have the authority to promulgate emergency				
52	regulations to implement this amendment within 280 days or less from the enactment date				
53	of this Act.				
54	II.1. The Department of Medical Assistance Services, related to appeals administered by				
55	and for the department, shall have authority to amend regulations to:				

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1	i. Utilize the method of transmittal of documentation to include email, fax, courier, and				
2	electronic transmission.				
3	ii. Clarify that the day of delivery ends at normal business hours of 5:00 pm.				
4	iii. Eliminate an automatic dismissal against DMAS for alleged deficiencies in the case				
5	summary that do not relate to DMAS's obligation to substantively address all issues specified				
6	in the provider's written notice of informal appeal. A process shall be added, by which the				
7	provider shall file with the informal appeals agent within 12 calendar days of the provider's				
8	receipt of the DMAS case summary, a written notice that specifies any such alleged				
9	deficiencies that the provider knows or reasonably should know exist. DMAS shall have 12				
10	calendar days after receipt of the provider's timely written notification to address or cure any				
11	of said alleged deficiencies. The current requirement that the case summary address each				
12	adjustment, patient, service date, or other disputed matter identified in the provider's written				
13	notice of informal appeal in the detail set forth in the current regulation shall remain in force				
14	and effect, and failure to file a written case summary with the Appeals Division in the detail				
15	specified within 30 days of the filing of the provider's written notice of informal appeal shall				
16	result in dismissal in favor of the provider on those issues not addressed by DMAS.				
17	iv. Clarify that appeals remanded to the informal appeal level via Final Agency Decision or				
18	court order shall reset the timetable under DMAS' appeals regulations to start running from				
19	the date of the remand.				
20	v. Clarify the department's authority to administratively dismiss untimely filed appeal				
21	requests.				
22	vi. Clarify the time requirement for commencement of the formal administrative hearing.				
23	vii. Clarify that settlement proposals may be tendered during the appeal process and that				
24	approval is subject to the requirements of § 2.2-514 of the Code of Virginia. The amended				
25	regulations shall develop a framework for the submission of the settlement proposal and state				
26	that the Department of Medical Assistance Services and the provider may jointly agree to stay				
27	the deadline for the informal appeal decision or for the formal appeal recommended decision				
28	of the Hearing Officer for a period of up to sixty (60) days to facilitate settlement discussions.				
29	If the parties reach a resolution as reflected by a written settlement agreement within the				
30	sixty-day period, then the stay shall be extended for such additional time as may be necessary				
31	for review and approval of the settlement agreement in accordance with law.				
32	2. The Department of Medical Assistance Services shall have authority to promulgate				
33	regulations to implement these changes within 280 days or less from the enactment date of				
34	this Act.				
35	JJ. It is the intent of the General Assembly that the implementation and administration of the				
36	care coordination contract for behavioral health services be conducted in a manner that				
37	insures system integrity and engages private providers in the independent assessment process.				
38	In addition, it is the intent that in the provision of services that ethical and professional				
39	conflicts are avoided and that sound clinical decisions are made in the best interests of the				
40	individuals receiving behavioral health services. As part of this process, the department shall				
41	monitor the performance of the contract to ensure that these principles are met and that				
42	stakeholders are involved in the assessment, approval, provision, and use of behavioral health				
43	services provided as a result of this contract.				
44	KK. The Department of Medical Assistance Services shall amend the State Plan for Medical				
45	Assistance to allow for delivery of notices of program reimbursement or other items referred				
46	to in the regulations related to provider appeals by electronic means consistent with the				
47	Uniform Electronic Transactions Act. The department shall implement this change effective				
48	July 1, 2013, and prior to completion of any regulatory process undertaken in order to effect				
49	such changes.				
50	LL. Effective July 1, 2017 through June 30, 2020, the Department of Medical Assistance				
51	Services shall amend the State Plan for Medical Assistance to pay nursing facilities located in				
52	the former Danville Metropolitan Statistical Area (MSA) the operating rates calculated for the				
53	Other MSA peer group. For purposes of calculating rates under the rebasing effective July 1,				
54	2017, the department shall use the peer groups based on the existing regulations. For future				

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1	rebasings, the department shall permanently move these facilities to the Other MSA peer				
2	group. The department shall have the authority to implement this reimbursement change				
3	effective July 1, 2017 and prior to completion of any regulatory process undertaken in				
4	order to effect such change.				
5	MM. The Department of Medical Assistance Services shall amend its State Plan under				
6	Title XIX of the Social Security Act to implement reasonable restrictions on the amount of				
7	incurred dental expenses allowed as a deduction from income for nursing facility				
8	residents. Such limitations shall include: (i) that routine exams and x-rays, and dental				
9	cleaning shall be limited to twice yearly; (ii) full mouth x-rays shall be limited to once				
10	every three years; and (iii) deductions for extractions and fillings shall be permitted only if				
11	medically necessary as determined by the department.				
12	NN. Notwithstanding §32.1-325, et seq. and §32.1-351, et seq. of the Code of Virginia,				
13	and effective upon the availability of subsidized private health insurance offered through a				
14	Health Benefits Exchange in Virginia as articulated through the federal Patient Protection				
15	and Affordable Care Act (PPACA), the Department of Medical Assistance Services shall				
16	eliminate, to the extent not prohibited under federal law, Medicaid Plan First and FAMIS				
17	Moms program offerings to populations eligible for and enrolled in said subsidized				
18	coverage in order to remove disincentives for subsidized private healthcare coverage				
19	through publicly-offered alternatives. To ensure, to the extent feasible, a smooth transition				
20	from public coverage, DMAS shall endeavor to phase out such coverage for existing				
21	enrollees once subsidized private insurance is available through a Health Benefits				
22	Exchange in Virginia. The department shall implement any necessary changes upon				
23	federal approval and prior to the completion of any regulatory process undertaken in order				
24	to effect such change.				
25	OO. The Department of Medical Assistance Services shall have authority to amend the				
26	State Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act,				
27	and any waivers thereof, to implement requirements of the federal Patient Protection and				
28	Affordable Care Act (PPACA) as it pertains to implementation of Medicaid and CHIP				
29	eligibility determination and case management standards and practices, including the				
30	Modified Adjusted Gross Income (MAGI) methodology. The department shall have				
31	authority to implement such standards and practices upon federal approval and prior to the				
32	completion of any regulatory process undertaken in order to effect such change.				
33	PP. Effective July 1, 2013, the Department of Medical Assistance Services shall establish				
34	a Medicaid Physician and Managed Care Liaison Committee including, but not limited to,				
35	representatives from the following organizations: the Virginia Academy of Family				
36	Physicians; the American Academy of Pediatricians – Virginia Chapter; the Virginia				
37	College of Emergency Physicians; the American College of Obstetrics and Gynecology –				
38	Virginia Section; Virginia Chapter, American College of Radiology; the Psychiatric				
39	Society of Virginia; the Virginia Medical Group Management Association; and the				
40	Medical Society of Virginia. The committee shall also include representatives from each				
41	of the department's contracted managed care organizations and a representative from the				
42	Virginia Association of Health Plans. The committee will work with the department to				
43	investigate the implementation of quality, cost-effective health care initiatives, to identify				
44	means to increase provider participation in the Medicaid program, to remove				
45	administrative obstacles to quality, cost-effective patient care, and to address other matters				
46	as raised by the department or members of the committee. The Committee shall establish				
47	an Emergency Department Care Coordination work group comprised of representatives				
48	from the Committee, including the Virginia College of Emergency Physicians, the				
49	Medical Society of Virginia, the Virginia Hospital and Healthcare Association, the				
50	Virginia Academy of Family Physicians and the Virginia Association of Health Plans to				
51	review the following issues: (i) how to improve coordination of care across provider types				
52	of Medicaid "super utilizers"; (ii) the impact of primary care provider incentive funding on				
53	improved interoperability between hospital and provider systems; and (iii) methods for				
54	formalizing a statewide emergency department collaboration to improve care and				
55	treatment of Medicaid recipients and increase cost efficiency in the Medicaid program,				
56	including recognized best practices for emergency departments. The committee shall meet				
57	semi-annually, or more frequently if requested by the department or members of the				
58	committee. The department, in cooperation with the committee, shall report on the				
59	committee's activities annually to the Board of Medical Assistance Services and to the				

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1	Chairmen of the House Appropriations and Senate Finance Committees and the Department				
2	of Planning and Budget no later than October 1 each year.				
3	QQ.1. The Department of Medical Assistance Services shall seek federal authority through				
4	any necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the				
5	Social Security Act to implement a comprehensive value-driven, market-based reform of the				
6	Virginia Medicaid/FAMIS programs.				
7	2. The department is authorized to contract with qualified health plans to offer recipients a				
8	Medicaid benefit package adhering to these principles. Any coordination of non-traditional				
9	behavioral health services covered under contract with qualified health plans or through other				
10	means shall adhere to the principles outlined in paragraph EE.a. This reformed service				
11	delivery model shall be mandatory, to the extent allowed under the relevant authority granted				
12	by the federal government and shall, at a minimum, include (i) limited high-performing				
13	provider networks and medical/health homes; (ii) financial incentives for high quality				
14	outcomes and alternative payment methods; (iii) improvements to encounter data submission,				
15	reporting, and oversight; (iv) standardization of administrative and other processes for				
16	providers; and (v) support of the health information exchange.				
17	3.a. Notwithstanding § 30-347, Code of Virginia, or any other provision of law, the				
18	Department of Medical Assistance Services shall have the authority to (1) amend the State				
19	Plan for Medical Assistance under Title XIX of the Social Security Act, and any waivers				
20	thereof, to implement coverage for newly eligible individuals pursuant to 42 U.S.C. §				
21	1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act and (2) begin the				
22	process of implementing a § 1115 demonstration project to transform the Medicaid program				
23	for newly eligible individuals pursuant to the provisions of 4.c. and eligible individuals				
24	enrolled in the existing Medicaid program. DMAS shall submit the § 1115 demonstration				
25	waiver application to CMS for approval. The department shall provide updates on the				
26	progress of the State Plan amendments and demonstration waiver applications to the				
27	Chairmen of the House Appropriations and Senate Finance Committees, or their designees,				
28	upon request, and provide for participation in discussions with CMS staff. The department				
29	shall respond to all requests for information from CMS on the State Plan Amendments and				
30	demonstration waiver applications in a timely manner.				
31	b. The demonstration project shall include the following elements in the design: The				
32	Department of Medical Assistance Services shall develop a supportive employment and				
33	housing benefit targeted to high risk Medicaid beneficiaries with mental illness, substance use				
34	disorder, or other complex, chronic conditions who need intensive, ongoing support to obtain				
35	and maintain employment and stable housing.				
36	c. The department shall have the authority to promulgate emergency regulations to implement				
37	these changes within 280 days or less from the enactment date of this Act.				
38	4. In the event that the increased federal medical assistance percentages for newly eligible				
39	individuals included in 42 U.S.C. § 1396d(y)(1)[2010] of the PPACA are modified through				
40	federal law or regulation from the methodology in effect on January 1, 2014, resulting in a				
41	reduction in federal medical assistance as determined by the department in consultation with				
42	the Department of Planning and Budget, the Department of Medical Assistance Services shall				
43	disenroll and eliminate coverage for individuals who obtained coverage through 42 U.S.C. §				
44	1396d(y)(1) [2010] of the PPACA. The disenrollment process shall include written				
45	notification to affected Medicaid beneficiaries, Medicaid managed care plans, and other				
46	providers that coverage will cease as soon as allowable under federal law following the date				
47	the department is notified of a reduction in Federal Medical Assistance Percentage.				
48	RR.1. Effective July 1, 2014, the Department of Medical Assistance Services shall replace the				
49	current Disproportionate Share Hospital (DSH) methodology with the following				
50	methodology:				
51	a) DSH eligible hospitals must have a total Medicaid Inpatient Utilization Rate equal to 14				
52	percent or higher in the base year using Medicaid days eligible for Medicare DSH or a Low				
53	Income Utilization Rate in excess of 25 percent and meet other federal requirements.				
54	Eligibility for out of state cost reporting hospitals shall be based on total Medicaid utilization				
55	or on total Medicaid NICU utilization equal to 14 percent or higher.				

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1	b) Each hospital's DSH payment shall be equal to the DSH per diem multiplied by each				
2	hospital's eligible DSH days in a base year. Days reported in provider fiscal years in state				
3	FY 2011 will be the base year for FY 2015 prospective DSH payments. DSH will be				
4	recalculated annually with an updated base year. DSH payments are subject to applicable				
5	federal limits.				
6	c) Eligible DSH days are the sum of all Medicaid inpatient acute, psychiatric and				
7	rehabilitation days above 14 percent for each DSH hospital subject to special rules for out				
8	of state cost reporting hospitals. Eligible DSH days for out of state cost reporting hospitals				
9	shall be the higher of the number of eligible days based on the calculation in the first				
10	sentence times Virginia Medicaid utilization (Virginia Medicaid days as a percent of total				
11	Medicaid days) or the Medicaid NICU days above 14 percent times Virginia NICU				
12	Medicaid utilization (Virginia NICU Medicaid days as a percent of total NICU Medicaid				
13	days). Eligible DSH days for out of state cost reporting hospitals who qualify for DSH but				
14	who have less than 12 percent Virginia Medicaid utilization shall be 50 percent of the days				
15	that would have otherwise been eligible DSH days.				
16	d) Additional eligible DSH days are days that exceed 28 percent Medicaid utilization for				
17	Virginia Type Two hospitals (excluding Children's Hospital of the Kings Daughters).				
18	e) The DSH per diem shall be calculated in the following manner:				
19	a. The DSH per diem for Type Two hospitals is calculated by dividing the total Type Two				
20	DSH allocation by the sum of eligible DSH days for all Type Two DSH hospitals. For				
21	purposes of DSH, Type Two hospitals do not include Children's Hospital of the Kings				
22	Daughters (CHKD) or any hospital whose reimbursement exceeds its federal				
23	uncompensated care cost limit. The Type Two Hospital DSH allocation shall equal the				
24	amount of DSH paid to Type Two hospitals in state FY 2014 increased annually by the				
25	percent change in the federal allotment, including any reductions as a result of the				
26	Affordable Care Act, adjusted for the state fiscal year.				
27	b. The DSH per diem for State Inpatient Psychiatric Hospitals is calculated by dividing the				
28	total State Inpatient Psychiatric Hospital DSH allocation by the sum of eligible DSH days.				
29	The State Inpatient Psychiatric Hospital DSH allocation shall equal the amount of DSH				
30	paid in state FY 2013 increased annually by the percent change in the federal allotment,				
31	including any reductions as a result of the Affordable Care Act, adjusted for the state				
32	fiscal year.				
33	c. The DSH per diem for CHKD shall be three times the DSH per diem for Type Two				
34	hospitals.				
35	d. The DSH per diem for Type One hospitals shall be 17 times the DSH per diem for Type				
36	Two hospitals.				
37	2. Each year, the department shall determine how much Type Two DSH has been reduced				
38	as a result of the Affordable Care Act and adjust the percent of cost reimbursed for				
39	outpatient hospital reimbursement.				
40	3. The department shall convene the Hospital Payment Policy Advisory Council at least				
41	once a year to consider additional changes to the DSH methodology.				
42	4. The department shall have the authority to implement these reimbursement changes				
43	effective July 1, 2014, and prior to completion of any regulatory process in order to effect				
44	such changes.				
45	SS. The Department of Medical Assistance Services shall have authority to amend the				
46	State Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act,				
47	and any waivers thereof, to implement requirements of the federal Patient Protection and				
48	Affordable Care Act (PPACA), P.L. 111-148, as it pertains to implementation of Medicaid				
49	and CHIP eligibility determination and case management standards and practices,				
50	including the Modified Adjusted Gross Income (MAGI) methodology and,				
51	notwithstanding the requirements of Code of Virginia §2.2-4000, et seq., the process for				
52	administrative appeals of MAGI-related eligibility determinations. The department shall				
53	have authority to implement such standards and practices upon federal approval and prior				
54	to the completion of any regulatory process undertaken in order to effect such changes.				

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1	TT.1. Notwithstanding § 32.1-330 of the Code of Virginia, the Department of Medical				
2	Assistance Services shall improve the preadmission screening process for individuals who				
3	will be eligible for long-term care services, as defined in the state plan for medical assistance.				
4	The community-based screening team shall consist of a licensed health care professional and				
5	a social worker who are employees or contractors of the Department of Health or the local				
6	department of social services, or other assessors contracted by the department. The				
7	department shall not contract with any entity for whom there exists a conflict of interest. For				
8	community-based screening for children, the screening shall be performed by an individual or				
9	entity with whom the department has entered into a contract for the performance of such				
10	screenings.				
11	2. The department shall track and monitor all requests for screenings and report on those				
12	screenings that have not been completed within 30 days of an individual's request for				
13	screening. The screening teams and contracted entities shall use the reimbursement and				
14	tracking mechanisms established by the department.				
15	3. The Department of Medical Assistance Services shall promulgate regulations to implement				
16	these provisions to be effective within 280 days of its enactment. The department may				
17	implement any changes necessary to implement these provisions prior to the promulgation of				
18	regulations undertaken in order to effect such changes.				
19	UU.1.a. There is hereby appropriated sum-sufficient nongeneral funds for the Department of				
20	Medical Assistance Services (DMAS) to pay the state share of supplemental payments for				
21	qualifying private hospital partners of Type One hospitals (consisting of state-owned teaching				
22	hospitals) as provided in the State Plan for Medical Assistance Services. Qualifying private				
23	hospitals shall consist of any hospital currently enrolled as a Virginia Medicaid provider and				
24	owned or operated by a private entity in which a Type One hospital has a non-majority				
25	interest. The supplemental payments shall be based upon the reimbursement methodology				
26	established for such payments in Attachments 4.19-A and 4.19-B of the State Plan for				
27	Medical Assistance Services. DMAS shall enter into a transfer agreement with any Type One				
28	hospital whose private hospital partner qualifies for such supplemental payments, under				
29	which the Type One hospital shall provide the state share in order to match federal Medicaid				
30	funds for the supplemental payments to the private hospital partner. The department shall				
31	have the authority to implement these reimbursement changes consistent with the effective				
32	date in the State Plan amendment approved by the Centers for Medicare and Medicaid				
33	Services (CMS) and prior to completion of any regulatory process in order to effect such				
34	changes.				
35	b. The department shall adjust capitation payments to Medicaid managed care organizations				
36	for the purpose of securing access to Medicaid hospital services for the qualifying private				
37	hospital partners of Type One hospitals (consisting of state-owned teaching hospitals). The				
38	department shall revise its contracts with managed care organizations to incorporate these				
39	supplemental capitation payments and provider payment requirements. DMAS shall enter into				
40	a transfer agreement with any Type One hospital whose private hospital partner qualifies for				
41	such supplemental payments, under which the Type One hospital shall provide the state share				
42	in order to match federal Medicaid funds for the supplemental payments to the private				
43	hospital partner. The department shall have the authority to implement these reimbursement				
44	changes consistent with the effective date approved by the Centers for Medicare and Medicaid				
45	Services (CMS). No payment shall be made without approval from CMS.				
46	2.a. The Department of Medical Assistance Services shall promulgate regulations to make				
47	supplemental payments to Medicaid physician providers with a medical school located in				
48	Eastern Virginia that is a political subdivision of the Commonwealth. The amount of the				
49	supplemental payment shall be based on the difference between the average commercial rate				
50	approved by CMS and the payments otherwise made to physicians. The department shall have				
51	the authority to implement these reimbursement changes consistent with the effective date in				
52	the State Plan amendment approved by CMS and prior to completion of any regulatory				
53	process in order to effect such changes.				
54	b. The department shall increase payments to Medicaid managed care organizations for the				
55	purpose of securing access to Medicaid physician services in Eastern Virginia, through higher				
56	rates to physicians affiliated with a medical school located in Eastern Virginia that is a				
57	political subdivision of the Commonwealth subject to applicable limits. The department shall				

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1	revise its contracts with managed care organizations to incorporate these supplemental				
2	capitation payments, and provider payment requirements, subject to approval by CMS. No				
3	payment shall be made without approval from CMS.				
4	c. Funding for the state share for these Medicaid payments is authorized in Item 254.				
5	3.a. The Department of Medical Assistance Services (DMAS) shall have the authority to				
6	amend the State Plan for Medical Assistance Services (State Plan) to implement a				
7	supplemental Medicaid payment for local government-owned nursing homes. The total				
8	supplemental Medicaid payment for local government-owned nursing homes shall be				
9	based on the difference between the Upper Payment Limit of 42 CFR §447.272 as				
10	approved by CMS and all other Medicaid payments subject to such limit made to such				
11	nursing homes. There is hereby appropriated sum-sufficient funds for DMAS to pay the				
12	state share of the supplemental Medicaid payment hereunder. However, DMAS shall not				
13	submit such State Plan amendment to CMS until it has entered into an intergovernmental				
14	agreement with eligible local government-owned nursing homes or the local government				
15	itself which requires them to transfer funds to DMAS for use as the state share for the				
16	supplemental Medicaid payment each nursing home is entitled to and to represent that				
17	each has the authority to transfer funds to DMAS and that the funds used will comply with				
18	federal law for use as the state share for the supplemental Medicaid payment. If a local				
19	government-owned nursing home or the local government itself is unable to comply with				
20	the intergovernmental agreement, DMAS shall have the authority to modify the State				
21	Plan. The department shall have the authority to implement the reimbursement change				
22	consistent with the effective date in the State Plan amendment approved by CMS and prior				
23	to the completion of any regulatory process undertaken in order to effect such change.				
24	b. If by June 30, 2017, the Department of Medical Assistance Services has not secured				
25	approval from the Centers for Medicare and Medicaid Services to use a minimum fee				
26	schedule pursuant to 42 C.F.R. § 438.6(c)(1)(iii) for local government-owned nursing				
27	homes participating in Commonwealth Coordinated Care Plus (CCC Plus) at the same				
28	level as and in lieu of the supplemental Medicaid payments authorized in Section XX.3.a.,				
29	then DMAS shall: (i) exclude Medicaid recipients who elect to receive nursing home				
30	services in local government-owned nursing homes from CCC Plus; (ii) pay for such				
31	excluded recipient's nursing home services on a fee-for-service basis, including the related				
32	supplemental Medicaid payments as authorized herein; and (iii) prohibit CCC Plus				
33	contracted health plans from in any way limiting Medicaid recipients from electing to				
34	receive nursing home services from local government-owned nursing homes. The				
35	department may include in CCC Plus Medicaid recipients who elect to receive nursing				
36	home services in local government-owned nursing homes in the future when it has secured				
37	federal CMS approval to use a minimum fee schedule as described above.				
38	4. The Department of Medical Assistance Services shall have the authority to amend the				
39	State Plan for Medical Assistance Services to implement a supplemental payment for				
40	clinic services furnished by the Virginia Department of Health (VDH) effective July 1,				
41	2015. The total supplemental Medicaid payment shall be based on the Upper Payment				
42	Limit approved by the Centers for Medicare and Medicaid Services and all other Medicaid				
43	payments. VDH may transfer general fund to the department from funds already				
44	appropriated to VDH to cover the non-federal share of the Medicaid payments. The				
45	department shall have the authority to implement the reimbursement change effective July				
46	1, 2015, and prior to the completion of any regulatory process undertaken in order to				
47	effect such changes.				
48	5. The Department of Medical Assistance Services shall amend the State Plan for Medical				
49	Assistance to increase the supplemental physician payments for physicians employed at a				
50	freestanding children's hospital serving children in Planning District 8 with more than 50				
51	percent Medicaid inpatient utilization in fiscal year 2014 to the maximum allowed by the				
52	Centers for Medicare and Medicaid Services within the limit of the appropriation provided				
53	for this purpose. The total supplemental Medicaid payment shall be based on the Upper				
54	Payment Limit approved by the Centers for Medicare and Medicaid Services and all other				
55	Virginia Medicaid fee-for-service payments. The department shall have the authority to				
56	implement these reimbursement changes effective July 1, 2016, and prior to the				
57	completion of any regulatory process undertaken in order to effect such change.				

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1	6.a. The Department of Medical Assistance Services shall promulgate regulations to make				
2	supplemental Medicaid payments to the primary teaching hospitals affiliated with a Liaison				
3	Committee on Medical Education (LCME) accredited medical school located in Planning				
4	District 23 that is a political subdivision of the Commonwealth and an LCME accredited				
5	medical school located in Planning District 5 that has a partnership with a public university.				
6	The amount of the supplemental payment shall be based on the reimbursement methodology				
7	established for such payments in Attachments 4.19-A and 4.19-B of the State Plan for				
8	Medical Assistance and/or the department's contracts with managed care organizations. The				
9	department shall have the authority to implement these reimbursement changes consistent				
10	with the effective date in the State Plan amendment or the managed care contracts approved				
11	by the Centers for Medicare and Medicaid Services (CMS) and prior to completion of any				
12	regulatory process in order to effect such changes. No payment shall be made without				
13	approval from CMS.				
14	b. Funding for the state share for these Medicaid payments is authorized in Item 254 and Item				
15	4-5.03.				
16	c. Payments authorized in this subsection shall sunset after the effective date of a statewide				
17	supplemental payment for private acute care hospitals authorized in Item 3-5.16. For purposes				
18	of the upper payment limit, the department shall prorate the upper payment limit if the sunset				
19	date is mid-fiscal year. The department shall have the authority to implement this change prior				
20	to the completion of any regulatory process undertaken in order to effect such change.				
21	7. The department shall amend the State plan for Medical Assistance to implement a				
22	supplemental inpatient and outpatient payment for Chesapeake Regional Hospital based on				
23	the difference between reimbursement with rates using an adjustment factor of 100% minus				
24	current authorized reimbursement subject to the inpatient and outpatient Upper Payment				
25	Limits for non-state government owned hospitals. The department shall include in its				
26	contracts with managed care organizations a minimum fee schedule for Chesapeake Regional				
27	Hospital consistent with rates using an adjustment factor of 100%. The department shall				
28	adjust capitation payments to Medicaid managed care organizations to fund this minimum fee				
29	schedule. Both the contract changes and capitation rate adjustments shall be compliant with				
30	42 C.F.R. 438.6(c)(1)(iii) and subject to CMS approval. Prior to submitting the State Plan				
31	Amendment or making the managed care contract changes, Chesapeake Regional Hospital				
32	shall enter into an agreement with the department to transfer the non-federal share for these				
33	payments. The department shall have the authority to implement these reimbursement				
34	changes consistent with the effective date(s) approved by the Centers for Medicare and				
35	Medicaid (CMS). No payments shall be made without CMS approval.				
36	8.a. There is hereby appropriated sum-sufficient nongeneral funds for the department to pay				
37	the state share of supplemental payments for nursing homes owned by Type One hospitals				
38	(consisting of state-owned teaching hospitals) as provided in the State Plan for Medical				
39	Assistance Services. The total supplemental payment shall be based on the difference between				
40	the Upper Payment Limit of 42 CFR § 447.272 as approved by CMS and all other Medicaid				
41	payments subject to such limit made to such nursing homes. DMAS shall enter into a transfer				
42	agreement with any Type One hospital whose nursing home qualifies for such supplemental				
43	payments, under which the Type One hospital shall provide the state share in order to match				
44	federal Medicaid funds for the supplemental payments. The department shall have the				
45	authority to implement these reimbursement changes consistent with the effective date in the				
46	State Plan amendment approved by CMS and prior to completion of any regulatory process in				
47	order to effect such changes.				
48	b. The department shall adjust capitation payments to Medicaid managed care organizations				
49	to fund a minimum fee schedule compliant with requirements in 42 C.F.R. § 438.6(c)(1)(iii)				
50	at a level consistent with the State Plan amendment authorized above for nursing homes				
51	owned by Type One hospitals. The department shall revise its contracts with managed care				
52	organizations to incorporate these supplemental capitation payments and provider payment				
53	requirements. DMAS shall enter into a transfer agreement with any Type One hospitals whose				
54	nursing home qualifies for such supplemental payments, under which the Type One hospital				
55	shall provide the state share in order to match federal Medicaid funds for the supplemental				
56	payments. The department shall have the authority to implement these reimbursement				
57	changes consistent with the effective date approved by CMS. No payment shall be made				
58	without approval from CMS.				

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1	9. The department shall amend the State plan for Medical Assistance to implement a				
2	supplemental inpatient payment for Lake Taylor Transitional Care Hospital based on the				
3	difference between Medicaid reimbursement and the inpatient Upper Payment Limit for				
4	non-state government owned hospitals. The department shall include in its contracts with				
5	managed care organizations a percentage increase for Lake Taylor Transitional Care				
6	Hospital consistent with the fee for service supplemental payment percentage increase.				
7	The department shall adjust capitation payments to Medicaid managed care organizations				
8	to fund this percentage increase. Both the contract changes and capitation rate adjustments				
9	shall be compliant with 42 C.F.R. 438.6(c)(1)(iii) and subject to CMS approval. Prior to				
10	submitting the State Plan Amendment or making the managed care contract changes, Lake				
11	Taylor Transitional Care Hospital shall enter into an agreement with the department to				
12	transfer the non-federal share for these payments. The department shall have the authority				
13	to implement these reimbursement changes consistent with the effective date(s) approved				
14	by the Centers for Medicare and Medicaid (CMS). No payments shall be made without				
15	CMS approval. The originating funding for this program will come entirely from Lake				
16	Taylor for Lake Taylor.				
17	VV. The Department of Medical Assistance Services shall amend the State Plan for				
18	Medical Assistance to provide coverage for cessation services for tobacco users, including				
19	pharmacology, group and individual counseling, and other treatment services including				
20	the most current version of or an official update to the Clinical Health Guideline "Treating				
21	Tobacco Use and Dependence" published by the Public Health Service of the U.S.				
22	Department of Health and Human Services. These services shall be subject to copayment				
23	requirements. The department shall have authority to implement this reimbursement				
24	change effective July 1, 2014 and prior to the completion of any regulatory process				
25	undertaken in order to effect such changes.				
26	WW. The Department of Medical Assistance Services shall have the authority to				
27	implement Section 1902(a)(10)(A)(i)(IX) of the federal Social Security Act to provide				
28	Medicaid benefits up until the age of 26 to individuals who are or were in foster care at				
29	least until the age of 18 in any state.				
30	XX.1.The Department of Medical Assistance Services is authorized to amend the State				
31	Plan under Title XIX of the Social Security Act to add coverage for comprehensive dental				
32	services to pregnant women receiving services under the Medicaid program to include: (i)				
33	diagnostic, (ii) preventive, (iii) restorative, (iv) endodontics, (v) periodontics, (vi)				
34	prosthodontics both removable and fixed, (vii) oral surgery, and (viii) adjunctive general				
35	services.				
36	2. The Department of Medical Assistance Services is authorized to amend the FAMIS				
37	MOMS and FAMIS Select demonstration waiver (No. 21-W-00058/3) for FAMIS MOMS				
38	enrollees to add coverage for dental services to align with pregnant women's coverage				
39	under Medicaid.				
40	3. The Department of Medical Assistance Services is authorized to amend the State Plan				
41	under Title XXI of the Social Security Act to plan to allow enrollment for dependent				
42	children of state employees who are otherwise eligible for coverage.				
43	4. The department shall have authority to implement necessary changes upon federal				
44	approval and prior to the completion of any regulatory process undertaken in order to				
45	effect such changes.				
46	YY. The Department of Medical Assistance Services shall convene a workgroup to				
47	evaluate and develop strategies and recommendations to improve payment policies and				
48	coordination of care in the Medicaid program to encourage the effective and efficient				
49	provision of care by providers and health care systems serving Medicaid members. The				
50	workgroup shall include representatives from the Virginia Hospital and Healthcare				
51	Association, hospitals, the Virginia Association of Health Plans, managed care				
52	organizations, emergency department and primary care physicians, and other stakeholders				
53	deemed necessary by the department. The workgroup shall: (i) evaluate the appropriate				
54	coordination of services and cooperation among Medicaid managed care organizations				
55	(MCOs), hospitals, physicians, social services organizations, and nonprofit organizations				
56	to achieve a reduction in hospital readmissions, improved health outcomes, and reduced				
57	overall costs of care for conditions with high rates of hospital readmission in the Medicaid				

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1	program; (ii) examine the role of hospital discharge planning and MCO care coordinators in				
2	assisting Medicaid beneficiaries with access to appropriate care and services post-discharge				
3	and other factors that may contribute to higher rates of readmission such as social				
4	determinants of health that could impact a patient's readmission status; (iii) assess the				
5	effectiveness of past and current mechanisms to improve outcomes and readmission rates by				
6	hospitals and health care systems and best practices and models from federal programs and				
7	other states; (iv) assess how to prevent inappropriate utilization of emergency department				
8	services; (v) examine the role of MCO care coordinators in assisting Medicaid beneficiaries				
9	access to appropriate care, including Medicaid beneficiary access to and the availability and				
10	use of alternative non-emergency care options, adequacy of MCO provider networks and				
11	reimbursement for primary care and alternative non-emergency care options, and the				
12	effectiveness of past and current mechanisms to improve the use of alternative non-emergent				
13	care by Medicaid beneficiaries; (vi) evaluate the impact of freestanding emergency				
14	departments and hospital emergency department marketing on emergency department				
15	utilization along with lower-cost options for triage of non-emergency cases to alternative				
16	settings; (vii) consider other states efforts to address emergency department utilization,				
17	including the use of medical and health homes, alternative primary care sites, and programs to				
18	coordinate the health needs of "super-utilizers"; and (viii) consider strategies to engage in				
19	value-based payment arrangements and other forms of financial incentives to encourage				
20	appropriate utilization of services and cooperation by health care providers and systems in				
21	improving health care outcomes, including a review of designated Performance Withhold				
22	Program measures, Clinical Efficiency measures, and other existing or potential programs.				
23	The department shall provide data on emergency room utilization and hospital readmissions				
24	of Medicaid beneficiaries to the workgroup to assist in its evaluation and analysis. The				
25	department shall report on the workgroup's findings and recommendations to the Joint				
26	Subcommittee for Health and Human Resources Oversight by November 1, 2021.				
27	ZZ. The Department of Medical Assistance Services shall amend the State Plan for Medical				
28	Assistance to increase the supplemental physician payments for practice plans affiliated with				
29	a freestanding children's hospital with more than 50 percent Medicaid inpatient utilization in				
30	fiscal year 2009 to the maximum allowed by the Centers for Medicare and Medicaid Services.				
31	The department shall have the authority to implement these reimbursement changes effective				
32	July 1, 2015, and prior to completion of any regulatory process undertaken in order to effect				
33	such change.				
34	AAA. The Department of Medical Assistance Services (DMAS) shall amend its July 1, 2016,				
35	managed care contracts in order to conform to the requirement pursuant to House Bill 1942 /				
36	Senate Bill 1262, passed during the 2015 Regular Session, for prior authorization of drug				
37	benefits.				
38	BBB.1. Out of this appropriation, \$3,100,000 the first year and \$3,850,000 the second year				
39	from the general fund and \$3,100,000 the first year and \$3,850,000 the second year from				
40	nongeneral funds shall be used for supplemental payments to fund the fourth year of graduate				
41	medical education for two residents who began their residencies in July 2017, the second and				
42	third years of graduate medical education of 13 funded slots for residents beginning their				
43	residencies in July 2018, the second year of graduate medical education of 16 funded slots for				
44	residencies in July 2019, the first and second years of graduate medical education for two				
45	residents in July 2020, who were awarded last year but their hiring was delayed, 31 slots for				
46	residents beginning their residencies in July 2020, provided to hospitals as awarded by the				
47	Virginia Health Care Workforce Authority, and 25 slots for residents beginning their				
48	residencies in July 2021.				
49	2. The supplemental payment for each qualifying residency slot shall be \$100,000 annually				
50	minus any Medicare residency payment for which the sponsoring institution is eligible. For				
51	any residency program at a facility whose Medicaid payments are capped by the Centers for				
52	Medicare and Medicaid Services, the supplemental payments for each qualifying residency				
53	slot shall be \$50,000 from the general fund annually minus any Medicare residency payments				
54	for which the residency program is eligible. Supplemental payments shall be made for up to				
55	four years for each qualifying resident. Payments shall be made quarterly following the same				
56	schedule used for other medical education payments.				
57	3. The Department of Medical Assistance Services shall submit a State Plan amendment based				
58	on the authorization in BBB.1. of this Item to make supplemental payments for graduate				

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1	medical education residency slots. The supplemental payments are subject to federal				
2	Centers for Medicare and Medicaid Services approval. The department shall have the				
3	authority to promulgate emergency regulations to implement this amendment within 280				
4	days or less from the enactment of this Act.				
5	4.a. Effective July 1, 2017, the department shall make supplemental payments to the				
6	following sponsoring institutions for the specified number of primary care residencies:				
7	Sentara Norfolk General (2 residencies), Carilion Medical Center (6 residencies), Centra				
8	Lynchburg General Hospital (1 residency), Riverside Regional Medical Center (2				
9	residencies), Bon Secours St. Francis Medical Center (2 residencies). The department				
10	shall make supplemental payments to Carilion Medical Center for 2 psychiatry				
11	residencies.				
12	b. Effective July 1, 2018, the department shall make supplemental payments to the				
13	following sponsoring institutions for the specified number of primary care residencies:				
14	Sentara Norfolk General (1 residency), Maryview Hospital (1 residency) and Carilion				
15	Medical Center (6 residencies). The department shall make supplemental payments to				
16	Carilion Medical Center for 2 psychiatric residencies and to Sentara Norfolk General for 1				
17	OB/GYN residency and 2 psychiatric residencies.				
18	c. Effective July 1, 2019, the department shall make supplemental payments to the				
19	following sponsoring institutions for the specified number of primary care residencies:				
20	Sentara Norfolk General (1 residency), Maryview Hospital (1 residency), Carilion				
21	Medical Center (6 residencies), Centra Health (2 residencies), and Riverside Regional				
22	Medical Center (2 residencies). The department shall make supplemental payments to				
23	Inova Fairfax Hospital for 1 General Surgery residency and to Carilion Medical Center for				
24	2 psychiatric residencies. The department shall make supplemental payments to Sentara				
25	Norfolk General 1 OB/GYN residency and 1 urology residency. The department shall				
26	make supplemental payments to the University of Virginia Health System for a one year				
27	fellowship in Addiction Medicine and to the Virginia Commonwealth University Health				
28	System for a one year fellowship in Addiction Medicine.				
29	d. Effective July 1, 2020, the department shall make supplemental payments for a primary				
30	care residency to Riverside Regional Medical Center. The department shall make				
31	supplemental payments to Sentara Norfolk General for 2 psychiatric residencies and 1				
32	urology residency. In addition, the department shall make supplemental payments to the				
33	following sponsoring institutions for the specified number of primary care residencies:				
34	Sentara Norfolk General (3 residencies), Maryview Hospital (1 residency), Carilion				
35	Medical Center (7 residencies), and Centra Health (3 residencies). The department shall				
36	make supplemental payments to Sentara Norfolk General for 1 OB/GYN residency and				
37	Carilion Medical Center for 2 psychiatry residencies. The department shall make				
38	supplemental payments to Riverside Regional Medical Center for 8 emergency medicine				
39	residencies. The department shall make supplemental payments to Children's Hospital of				
40	King's Daughters for 2 general pediatrics residencies.				
41	e. Effective July 1, 2021, the department shall make supplemental payments to the				
42	following sponsoring institutions for the specified number of primary care residencies:				
43	Carilion Medical Center (7 residencies) and Centra Health (4 residencies). The department				
44	shall make supplemental payments to Sentara Norfolk General for 1 OB/GYN residency				
45	and 1 emergency medicine residency. The department shall make supplemental payments				
46	to Carilion Medical Center for 2 psychiatry residencies. The department shall make				
47	supplemental payments to Riverside Regional Medical Center for 8 emergency medicine				
48	residencies.				
49	5. Preference shall be given for residency slots located in underserved areas. Applications				
50	for slots that involve multiple medical care providers collaborating in training residents				
51	and that involve providing residents the opportunity to train in underserved areas are				
52	encouraged. A majority of the new residency slots funded each year shall be for primary				
53	care. The department shall adopt criteria for primary care, high need specialties and				
54	underserved areas as developed by the Virginia Health Workforce Development				
55	Authority. Beginning July 1, 2018, the department shall also review and consider				
56	applications from non-hospital sponsoring institutions, such as Federally Qualified Health				
57	Centers (FQHCs).				

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1	6. If the number of qualifying residency slots exceeds the available number of supplemental				
2	payments, the Virginia Health Workforce Development Authority shall determine which new				
3	residency slots to fund based on priorities developed by the authority.				
4	7. The sponsoring institution will be eligible for the supplemental payments as long as it				
5	maintains the number of residency slots in total and by category as a result of the increase.				
6	The sponsoring institutions must certify by June 1 each year that they continue to meet the				
7	criteria for the supplemental payments and report any changes during the year to the number				
8	of residents.				
9	8. The department shall require all sponsoring institutions receiving Medicaid medical				
10	education funding to report annually by September 15 on the number of residents in total and				
11	by specialty/subspecialty. Medical education funding includes payments for graduate medical				
12	education (GME) and indirect medical education (IME).				
13	CCC.1. The Department of Medical Assistance Services, in consultation with the appropriate				
14	stakeholders, shall amend the state plan for medical assistance and/or seek federal authority				
15	through an 1115 demonstration waiver, as soon as feasible, to provide coverage of inpatient				
16	detoxification, inpatient substance abuse treatment, residential detoxification, residential				
17	substance abuse treatment, and peer support services to Medicaid individuals in the Fee-for-				
18	Service and Managed Care Delivery Systems.				
19	2. The Department of Medical Assistance Services shall have the authority to make				
20	programmatic changes in the provision of all Substance Abuse Treatment Outpatient,				
21	Community Based and Residential Treatment services (group homes and facilities) for				
22	individuals with substance abuse disorders in order to ensure parity between the substance				
23	abuse treatment services and the medical and mental health services covered by the				
24	department and to ensure comprehensive treatment planning and care coordination for				
25	individuals receiving behavioral health and substance use disorder services. The department				
26	shall ensure appropriate utilization and cost efficiency, and adjust reimbursement rates within				
27	the limits of the funding appropriated for this purpose based on current industry standards.				
28	The department shall consider all available options including, but not limited to, service				
29	definitions, prior authorization, utilization review, provider qualifications, and reimbursement				
30	rates for the following Medicaid services: substance abuse day treatment for pregnant women,				
31	substance abuse residential treatment for pregnant women, substance abuse case management,				
32	opioid treatment, substance abuse day treatment, and substance abuse intensive outpatient.				
33	Any amendments to the State Plan or waivers initiated under the provisions of this paragraph				
34	shall not exceed funding appropriated in this Act for this purpose. The department shall have				
35	the authority to promulgate regulations to implement these changes within 280 days or less				
36	from the enactment date of this Act.				
37	3. The Department of Medical Assistance Services shall amend the State Plan for Medical				
38	Assistance and any waivers thereof to include peer support services to children and adults				
39	with mental health conditions and/or substance use disorders. The department shall work with				
40	its contractors, the Department of Behavioral Health and Developmental Services, and				
41	appropriate stakeholders to develop service definitions, utilization review criteria and provider				
42	qualifications. Any amendments to the State Plan or waivers initiated under the provisions of				
43	this paragraph shall not exceed funding appropriated in this Act for this purpose. The				
44	department shall have the authority to promulgate regulations to implement these changes				
45	within 280 days or less from the enactment date of this Act.				
46	4. The Department of Medical Assistance Services shall, prior to the submission of any state				
47	plan amendment or waivers to implement paragraphs CCC.1., CCC.2., and CCC.3., submit a				
48	plan detailing the changes in provider rates, new services added, other programmatic changes,				
49	and a certification of budget neutrality to the Director, Department of Planning and Budget				
50	and the Chairmen of the House Appropriation and Senate Finance Committees.				
51	DDD. The Department of Medical Assistance Services (DMAS), in consultation with the				
52	appropriate stakeholders, shall seek federal authority via a state plan amendment to cover				
53	low-dose computed tomography (LDCT) lung cancer screenings for high-risk adults. The				
54	department shall promulgate emergency regulations to implement this amendment within 280				
55	days or less from the enactment of this Act.				
56	EEE. The Department of Medical Assistance Services shall not expend any appropriation for				

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1	an approved Delivery System Reform Incentive Program (DSRIP) §1115 waiver unless				
2	the General Assembly appropriates the funding. The department shall notify the Chairmen				
3	of the House Appropriations and Senate Finance Committees within 15 days of any final				
4	negotiated waiver agreement with the Centers for Medicare and Medicaid Services.				
5	FFF. Effective July 1, 2017, the Department of Medical Assistance Services shall amend				
6	the managed care regulations to specify that all contracts with health plans in a Medicaid				
7	managed care delivery model, including long-term services and supports, require				
8	reimbursement to nursing facility and specialized care services at no less than the				
9	Medicaid established per diem rate for Medicaid covered days, using the department's				
10	methodologies, unless the managed care organization and the nursing facility or				
11	specialized care services provider mutually agree to an alternative payment. The				
12	department shall have authority to implement this provision prior to the completion of any				
13	regulatory process in order to effect such change.				
14	GGG.1. The Department of Medical Assistance Services shall monitor the capacity				
15	available under the Upper Payment Limit (UPL) for all hospital supplemental payments				
16	and adjust payments accordingly when the UPL cap is reached. The department shall				
17	make an adjustment to stay under the UPL cap by reducing or eliminating as necessary				
18	supplemental payments to hospitals based on when the first supplemental payments were				
19	actually made so that the newest supplemental payments to hospitals would be impacted				
20	first and so on.				
21	2. The Department of Medical Assistance Services shall have the authority to implement				
22	reimbursement changes deemed necessary to meet the requirements of this paragraph prior				
23	to the completion of any regulatory process in order to effect such changes.				
24	HHH.1. By October 1, 2019, the Department of Medical Assistance Services shall require				
25	consumer-directed aides providing personal care, respite care and companion services in				
26	the Medicaid Commonwealth Coordinated Care (CCC) Plus Waiver and Developmental				
27	Disability waiver programs and the Early and Periodic Screening Diagnosis and Treatment				
28	(EPSDT) program to utilize an Electronic Visit Verification (EVV) system. Nothing in				
29	this paragraph shall apply to live-in caretakers, who shall be exempt from the EVV				
30	requirements beginning January 1, 2021. The department is authorized to contract with a				
31	vendor to provide access to an EVV system for use by consumer-directed aides.				
32	2. For personal care, respite care and companion services agencies, the department shall				
33	work with the appropriate stakeholders to develop standards for electronic visit				
34	verification systems and certification requirements to ensure EVV systems used by such				
35	agencies meet all federal requirements and are capable of providing the necessary data the				
36	department may require.				
37	3. Nothing stated above shall apply to respite services provided by a DBHDS licensed				
38	provider in a DBHDS licensed program site such as a group home, sponsored residential				
39	home, supervised living, supported living or similar facility/location licensed to provide				
40	respite, as allowed by the Centers for Medicare and Medicaid.				
41	4. The department shall ensure that implementation of electronic visit verification				
42	complies with all requirements of the federal Centers of Medicare and Medicaid Services.				
43	The department shall have authority to implement these provisions prior to the completion				
44	of any regulatory process in order to effect such changes.				
45	III.1. Effective July 1, 2017, the Department of Medical Assistance Services shall amend				
46	the State Plan for Medical Assistance to increase the formula for indirect medical				
47	education (IME) for freestanding children's hospitals with greater than 50 percent				
48	Medicaid utilization in 2009 as a substitute for DSH payments. The formula for these				
49	hospitals for indirect medical education for inpatient hospital services provided to				
50	Medicaid patients but reimbursed by capitated managed care providers shall be identical				
51	to the formula for Type One hospitals. The IME payments shall continue to be limited				
52	such that total payments to freestanding children's hospitals with greater than 50 percent				
53	Medicaid utilization do not exceed the federal uncompensated care cost limit to which				
54	disproportionate share hospital payments are subject,excluding third party reimbursement				
55	for Medicaid eligible patients. The department shall have the authority to implement these				
56	changes effective July 1, 2017, and prior to completion of any regulatory action to effect				

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1	such changes.				
2	2. The Department of Medical Assistance Services (DMAS) shall have the authority to create				
3	additional hospital supplemental payments for freestanding children's hospitals with greater				
4	than 50 percent Medicaid utilization in 2009 to replace payments that have been reduced due				
5	to the federal regulation on the definition of uncompensated care costs effective June 2, 2017.				
6	These new payments shall equal what would have been paid to the freestanding children's				
7	hospitals under the current disproportionate share hospital (DSH) formula without regard to				
8	the uncompensated care cost limit. These additional hospital supplemental payments shall				
9	take precedence over supplemental payments for private acute care hospitals. If the federal				
10	regulation is voided, DMAS shall continue DSH payments to the impacted hospitals and				
11	adjust the additional hospital supplemental payments authorized in this paragraph				
12	accordingly. The department shall have the authority to implement these changes prior to				
13	completion of any regulatory process undertaken in order to effectuate such change.				
14	JJJ. For the period beginning September 1, 2016 until 180 days after publication and				
15	distribution of the Developmental Disabilities Waivers provider manual by the Department of				
16	Medical Assistance Services (DMAS), retraction of payment from Developmental Disabilities				
17	Waivers providers following an audit by DMAS or one of its contractors is only permitted				
18	when the audit points identified are supported by the Code of Virginia, regulations, DMAS				
19	general providers manuals, or DMAS Medicaid Memos in effect during the date of services				
20	being audited.				
21	KKK. The Department of Medical Assistance Services shall submit a report annually on all				
22	supplemental payments made to hospitals through the Medicaid program. This report shall				
23	include information for each hospital and by type of supplemental payment (Disproportionate				
24	Share Hospital, Graduate Medical Education, Indirect Medical Education, Upper Payment				
25	Limit program, and others). The report shall include total Medicaid payments from all sources				
26	and calculate the percent of overall payments that are supplemental payments. Furthermore, it				
27	shall include a description of each type of supplemental payment and the methodology used to				
28	calculate the payments. Each report shall reflect the data for the prior three fiscal years and				
29	shall be submitted to the Chairmen of the House Appropriations and Senate Finance				
30	Committees by September 1 each year.				
31	LLL. Effective July 1, 2018, the Department of Medical Assistance Services shall amend the				
32	State Plan for Medical Assistance to make the following changes. The department shall: (i)				
33	eliminate eligibility for Disproportionate Share Hospital (DSH) payments for Children's				
34	National Medical Center (CNMC); (ii) increase the annual indirect medical education (IME)				
35	payments for CNMC by the amount of DSH the hospital was eligible for in fiscal year 2018;				
36	and (iii) reduce the Type 2 DSH allocation by this same amount. The department shall have				
37	the authority to implement these changes effective July 1, 2018, and prior to completion of				
38	any regulatory action to effect such change.				
39	MMM.1. The Department of Medical Assistance Services shall work with stakeholders to				
40	review and adjust medical necessity criteria for Medicaid-funded nursing services including				
41	private duty nursing, skilled nursing, and home health. The department shall adjust the				
42	medical necessity criteria to reflect advances in medical treatment, new technologies, and use				
43	of integrated care models including behavioral supports. The department shall have the				
44	authority to amend the necessary waiver(s) and the State Plan under Titles XIX and XXI of				
45	the Social Security Act to include changes to services covered, provider qualifications,				
46	medical necessity criteria, and rates and rate methodologies for private duty nursing. The				
47	adjustments to these services shall meet the needs of members and maintain budget neutrality				
48	by not requiring any additional expenditure of general fund beyond the current projected				
49	appropriation for such nursing services.				
50	2. The department shall have authority to implement these changes to be effective July 1,				
51	2019. The department shall also have authority to promulgate any emergency regulations				
52	required to implement these necessary changes within 280 days or less from the enactment				
53	dated of this act. The department shall submit a report and estimates of any projected cost				
54	savings to the Chairmen of the House Appropriations and Senate Finance Committees 30 days				
55	prior to implementation of such changes.				
56	NNN. Effective July 1, 2019, the department shall amend the State Plan for Medical				
57	Assistance to clarify payment rules for new nursing homes or renovations that qualify for				

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1	mid-year rate adjustments, to include the following:				
2	1. For any facility whose Fair Rental Value report has less than 12 months of experience,				
3	the department shall develop an occupancy schedule that represents average statewide				
4	occupancy by month of operation for use in calculating the per diem rate in lieu of a				
5	minimum occupancy requirement or actual occupancy.				
6	2. Any new beds or renovations placed in service between the reporting year and the rate				
7	year shall be treated as a mid-year rate adjustment. No new rate will be made after April				
8	30. Rate updates that fall between May 1 and June 30 shall be effective July 1 of the same				
9	year.				
10	3. The department shall annualize real estate taxes, property taxes and property insurance				
11	costs that do not represent a full year's cost.				
12	4. Costs shall be based on currently available documentation at the time but are subject to				
13	audit. The department may use any reasonable method to estimate costs for which there is				
14	inadequate documentation. Any adjustments based on subsequent documentation or audit				
15	for a current rate year shall be applied beginning with the next rate year.				
16	5. The department shall have 15 days from the date of the provider's submission to				
17	determine if the filing is complete for purposes of setting a rate for a new or renovated				
18	facility. The facility shall have 15 days from the date the filing is deemed incomplete to				
19	submit the required information. The deadline for setting the rate shall be extended for 30				
20	days after the filing is deemed complete.				
21	6. Providers may propose a phased renovation subject to approval by the department. The				
22	phased renovation may include reductions to available beds. Any modifications to the				
23	proposed renovation are also subject to approval by the department.				
24	7. The department shall have the authority to implement these reimbursement changes				
25	effective July 1, 2019 and prior to the completion of any regulatory process undertaken in				
26	order to effect such change.				
27	OOO. The Department of Medical Assistance Services shall amend the State Plan for				
28	Medical Assistance and any relevant waivers thereof to modify reimbursement for				
29	Hospice services provided to patients residing in facilities to include at least 100 percent				
30	of the relevant Medicaid facility rate for that individual, a component commonly referred				
31	to as "room and board." To the extent allowed under federal law and regulation, the				
32	Department shall further amend the State plan and/or relevant waivers thereof to pay this				
33	"room and board" rate in effect with no discount applied to the facility directly, thus				
34	eliminating the Hospice from its role in passing-through this facility payment to the				
35	facility. To the extent federal approval of this direct payment component is dependent on				
36	whether it is in the State Plan or in relevant waivers, the Department shall implement the				
37	direct payment where federal approval is achieved. The department shall have authority to				
38	implement these changes effective July 1, 2019 and prior to the completion of any				
39	regulatory process undertaken in order to effect such change.				
40	PPP. Effective July 1, 2019, the Department of Medical Assistance Services shall increase				
41	the telehealth originating site facility fee to 100 percent of the Medicare rate and shall				
42	reflect changes annually based on any changes in the Medicare rate. The department shall				
43	exempt Federally Qualified Health Centers and Rural Health Centers from this				
44	reimbursement change. The department shall have the authority to implement these				
45	changes prior to completion of any regulatory process undertaken in order to effect such				
46	change.				
47	QQQ. The Department of Medical Assistance Services shall amend the State Plan for				
48	Medical Assistance to increase reimbursement for Critical Access Hospitals by using an				
49	adjustment factor or percent of cost reimbursement of 100% for inpatient operating and				
50	capital rates and outpatient rates effective July 1, 2019. The department shall have the				
51	authority to implement these changes effective July 1, 2019 and prior to completion of any				
52	regulatory action to effect such change.				
53	RRR. The Department of Medical Assistance Services shall pursue any and all alternatives				
54	and cost based reimbursement models to allow a private hospital in rural Southwest				

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1	Virginia that has closed in the last five years to recoup capital startup costs and minimize				
2	operating losses for the next five years, including but not limited to optimizing federal				
3	matching dollars in accordance with federal law.				
4	SSS. The Department of Medical Assistance Services and the Department of Behavioral				
5	Health and Developmental Services shall recognize the Certified Employment Support				
6	Professional (CESP) and Association of Community Rehabilitation Educators (ACRE)				
7	certifications in lieu of competency requirements for supported employment staff in the				
8	Medicaid Community Living, Family and Individual Support and Building Independence				
9	Waiver programs and shall allow providers that are Department for the Aging and				
10	Rehabilitative Services vendors that hold a national three-year accreditation from the				
11	Commission on Accreditation of Rehabilitation Facilities (CARF) to be deemed qualified to				
12	meet employment staff competency requirements, provided the provider submits the results				
13	from their CARF surveys including recommendations received to the Department of				
14	Behavioral Health and Developmental Services so that the agency can verify that there are no				
15	recommendations for the standards that address staff competency.				
16	TTT. Effective July 1, 2019, the Department of Medical Assistance Services shall amend the				
17	State Plan for Medical Assistance to increase the practitioner rates for primary care services				
18	by five percent and rates for Emergency Department services by one percent to reflect the				
19	equivalent of 70 percent of the 2018 Medicare rates. The department shall ensure through its				
20	contracts with managed care organizations that the rate increase is reflected in their rates to				
21	providers. The department shall have the authority to implement these reimbursement changes				
22	prior to the completion of the regulatory process.				
23	UUU. Effective July 1, 2019, the Department of Medical Assistance Services shall amend the				
24	State Plan for Medical Assistance to create a separate service category for psychiatric services				
25	and to increase practitioner rates for psychiatric services by 21 percent to reflect the				
26	equivalent of 100 percent of the 2018 Medicare rates. All practitioners who bill these services				
27	shall receive new rates. The department shall have the authority to implement these				
28	reimbursement changes prior to the completion of the regulatory process.				
29	VVV. The Department of Medical Assistance Services shall amend its contracts with				
30	managed care organizations to require written notification and training to agency-directed				
31	personal care providers at least 60 days prior to the implementation of all changes to Quality				
32	Management Review and prior authorization policies and processes consistent with state and				
33	federal regulations.				
34	XXX. Effective upon federal approval but no earlier than April 1, 2021, the Department of				
35	Medical Assistance Services shall amend the State Plan under Title XIX of the Social				
36	Security Act to eliminate the 40 quarter work requirement for Lawful Permanent Residents				
37	who otherwise meet all Medicaid eligibility requirements. The department shall have the				
38	authority to promulgate emergency regulations to implement this amendment within 280 days				
39	or less from the enactment of this Act.				
40	YYY.1. The Department of Medical Assistance Services (DMAS) shall have the authority to				
41	implement programmatic changes to service definitions, prior authorization and utilization				
42	review criteria, provider qualifications, and reimbursement rates for the following existing				
43	Medicaid behavioral health services: assertive community treatment, mental health partial				
44	hospitalization programs, crisis intervention and crisis stabilization services.				
45	2. The department shall have the authority to develop new service definitions, prior				
46	authorization and utilization review criteria, provider qualifications, and reimbursement rates				
47	for the following new Medicaid behavioral health services: multi-systemic therapy, family				
48	functional therapy, intensive outpatient services, mobile crisis intervention services, 23 hour				
49	temporary observation services and residential crisis stabilization unit services.				
50	3. Effective on or after July 1, 2021, DMAS shall implement programmatic changes and				
51	reimbursement rates for the following services: assertive community treatment, multi-				
52	systemic therapy and family functional therapy.				
53	4. Effective on or after July 1, 2021, DMAS shall implement programmatic changes and				
54	reimbursement rates for the following services: intensive outpatient services, partial				
55	hospitalization programs, mobile crisis intervention services, 23 hour temporary observation				

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1	services, crisis stabilization services and residential crisis stabilization unit services.				
2	5. Included in this Item is an additional \$80,909 the second year from the general fund and				
3	\$13,791,201 the second year from nongeneral funds to effect the changes required by				
4	paragraphs above. In the development and implementation of these changes, the				
5	department shall ensure appropriate utilization and cost efficiency. Reimbursement rate				
6	changes shall be budget neutral and must not exceed the funding appropriated in the Act				
7	for these services.				
8	6. The Department of Medical Assistance Services shall, prior to the submission of any				
9	state plan amendment or waivers to implement these paragraphs, submit a plan detailing				
10	the changes in provider rates, new services added and other programmatic changes to the				
11	Director, Department of Planning and Budget and the Chairmen of the House				
12	Appropriation and Senate Finance Committees.				
13	7. The department shall have the authority to promulgate emergency regulations to				
14	implement this amendment within 280 days or less from the enactment of this Act.				
15	AAAA. Effective July 1, 2021, the Department of Medical Assistance Services shall seek				
16	federal authority through waiver and State Plan amendments under Titles XIX and XXI of				
17	the Social Security Act to extend coverage for pregnant women between 138% and 205%				
18	of the Federal Poverty Level to up to one year postpartum. The department shall have the				
19	authority to promulgate emergency regulations to implement these amendments within				
20	280 days or less from the enactment of this Act.				
21	DDDD.1. Effective January 1, 2021, the Department of Medical Assistance Services				
22	(DMAS), in consultation with the Department of Behavioral Health and Developmental				
23	Services (DBHDS), shall increase provider payment rates for services delivered through				
24	the Community Living, Family and Individual Support, and Building Independence				
25	Developmental Disability (DD) waivers. The rate increase shall be provided for the				
26	following services: Group Home, Sponsored Residential and Group Day Support.				
27	2. Effective July 1, 2021, the Department of Medical Assistance Services (DMAS), in				
28	consultation with the Department of Behavioral Health and Developmental Services, shall				
29	increase provider payment rates for services delivered through the Community Living,				
30	Family and Individual Support, and Building Independence Developmental Disability				
31	(DD) waivers. The rate increase shall be provided for the following services: Independent				
32	Living Supports, Supported Living, In-home Support Services, Group Supported				
33	Employment, Workplace Assistance, Community Engagement, Community Coaching and				
34	Therapeutic Consultation.				
35	3. Included in this Item is an additional \$10,697,611 the first year and \$25,785,930 the				
36	second year from the general fund and \$10,697,611 the first year and \$25,785,930 the				
37	second year from the nongeneral funds to effect the changes required by the paragraph				
38	DDDD.1. above. The DMAS shall prepare a report that 1) identifies the implemented rate				
39	and rate increase percentage for each service impacted by this action; and 2) determines				
40	whether the estimated cost of each service is consistent with the funding provided in this				
41	Act. DMAS shall provide this report to the Director, Department of Planning and Budget				
42	and the Chairmen of the House Appropriation and Senate Finance Committees by				
43	December 1, 2020.				
44	4. The department shall have the authority to implement these changes prior to the				
45	completion of any regulatory process to effect such changes.				
46	EEEE. Effective July 1, 2021, the Department of Medical Assistance Services shall				
47	increase rates by 14.7 percent for psychiatric services to the equivalent of 110 percent of				
48	Medicare rates. The department shall have the authority to implement these				
49	reimbursement changes prior to the completion of any regulatory process to effect such				
50	changes.				
51	GGGG. Effective on and after July 1, 2021, the Department of Medical Assistance				
52	Services shall amend the State Plan for Medical Assistance to modify reimbursement for				
53	nursing facility services such that the direct peer group price percentage shall be increased				
54	to 109.3 percent and the indirect peer group price percentage shall be increased to 103.3				

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1	percent. The department shall have the authority to implement these changes effective July 1,				
2	2021 and prior to the completion of any regulatory process undertaken in order to effect such				
3	change.				
4	HHHH. The Department of Medical Assistance Services shall amend the State Plan for				
5	Medical Assistance to implement a supplemental disproportionate share hospital (DSH)				
6	payment for Chesapeake Regional Hospital up to its hospital-specific disproportionate share				
7	hospital limit (OBRA '93 DSH limit) as determined pursuant to 42 U.S.C. Section 1396r-4.				
8	The payment shall be made annually based upon the hospital's disproportionate share limit for				
9	the most recent year for which the disproportionate share limit has been calculated subject to				
10	the availability of DSH funds under the federal allotment of such funds to the department.				
11	Prior to submitting the State Plan Amendment, Chesapeake Regional Hospital shall enter into				
12	an agreement with the department to transfer the non-federal share of the supplemental DSH				
13	payment. Payment of the supplemental DSH payment is contingent upon receipt of				
14	intergovernmental transfer of funds or certified public expenditures from Chesapeake				
15	Regional Hospital. In the event that Chesapeake Regional Hospital is ineligible to transfer or				
16	certify necessary funds pursuant to federal law, the department may amend the State Plan for				
17	Medical Assistance to terminate the supplemental DSH payment program. The department				
18	shall have the authority to implement these reimbursement changes consistent with effective				
19	date(s) approved by the Centers for Medicare and Medicaid Services (CMS). No payments				
20	shall be made without CMS approval. In the event, that CMS recoups supplemental DSH				
21	hospital funds from the department, Chesapeake Regional Hospital shall reimburse such funds				
22	to the department.				
23	JJJJ. The Department of Medical Assistance Services shall amend the State Plan for Medical				
24	Assistance to provide that any nursing facility which thereafter loses its Medicaid capital				
25	reimbursement status as a hospital-based nursing facility because a replacement hospital was				
26	built at a different location and Medicare rules no longer allow the nursing home's cost to be				
27	included on the hospital's Medicare cost report shall have its first fair rental value (FRV)				
28	capital payment rate set at the maximum FRV rental rate for a new free-standing nursing				
29	facility with the date of acquisition for its capital assets being the date the replacement				
30	hospital is licensed. The department shall have the authority to implement these				
31	reimbursement changes effective July 1, 2021 and prior to the completion of the regulatory				
32	process.				
33	KKKK. Effective July 1, 2020, the department shall amend the State Plan for Medical				
34	Assistance to increase the direct and indirect operating rates from 15 percent to 25.4 percent				
35	above a facility's calculated price-based rates where at least 80 percent of the resident				
36	population have one or more of the following diagnoses: quadriplegia, traumatic brain injury,				
37	multiple sclerosis, paraplegia, or cerebral palsy. In addition, a qualifying facility must have at				
38	least 90 percent Medicaid utilization and a case mix index of 1.15 or higher in fiscal year				
39	2014. The department shall have the authority to implement this reimbursement methodology				
40	change for rates on or after July 1, 2021, and prior to completion of any regulatory process in				
41	order to effect such change.				
42	LLLL. The Department of Medical Assistance Services shall amend the State Plan for				
43	Medical Assistance to establish Specialized Care operating rates for fiscal years 2021 and				
44	2022 by inflating the fiscal year 2020 rates using Virginia nursing home inflation. After fiscal				
45	year 2022, the department shall revert to the existing cost-based methodology. The				
46	department has the authority to implement this change notwithstanding current regulations				
47	and consistent with the approved State Plan amendment.				
48	MMMM. The Department of Medical Assistance Services shall require Medicaid managed				
49	care organizations to reimburse at no less than 90 percent of the state Medicaid program				
50	Durable Medical Equipment fee schedule for the same service or item of durable medical				
51	equipment, prosthetics, orthotics, and supplies. The department shall have the authority to				
52	implement this reimbursement change effective July 1, 2021 and prior to the completion of				
53	any regulatory process undertaken in order to effect such change.				
54	NNNN. The Department of Medical Assistance Services (DMAS) shall convene an advisory				
55	panel of representatives chosen by the Virginia Association of Community Services Boards				
56	(VACSB), the Virginia Association of Community-Based Providers (VACBP), the Virginia				
57	Coalition of Private Provider Associations (VCOPPA), Caliber, the Virginia Network of				

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1	Private Providers (VNPP), and the Virginia Hospital and Healthcare Association. The				
2	advisory panel shall meet at least every two months with the appropriate staff from DMAS				
3	to review and advise on all aspects of the plan for and implementation of the redesign of				
4	behavioral health services with a specific focus on ensuring that the systemic plan				
5	incorporates development, and maintenance of sustainable business models. Upon advice				
6	of the Advisory panel, DMAS may assign staff, as necessary, to review operations of a				
7	sample of providers to examine the process for service authorization, the interpretation of				
8	the medical necessity criteria, and the claims processing by all Medicaid managed care				
9	organizations. DMAS will report their findings from this review to the advisory panel and				
10	to the Secretary of Health and Human Resources, and the Chairs of House Appropriations				
11	and Senate Finance by December 31, 2020.				
12	OOOO. The Department of Medical Assistance Services (DMAS) shall convene a				
13	workgroup of stakeholders to include representatives of Jill's House, SOAR 365, Virginia				
14	Sponsored Residential Provider Group, the Virginia Association of Community Services				
15	Boards, the Virginia Network of Private Providers and the Department of Behavioral				
16	Health and Developmental Services to review the existing and any proposed regulations				
17	governing the provision of respite or personal assistance services to determine the barriers				
18	to the provision of these services in a center or residential setting other than the				
19	individual's home. DMAS shall consider the option of basing the reimbursement for				
20	center-based respite and personal assistance on the Level/Tier as determined by the				
21	individual's Supports Intensity Scale score. DMAS shall report on the conclusions of the				
22	workgroup to the Chairs of House Appropriations and Senate Finance and Appropriations				
23	Committees by December 1, 2020, including whether the department needs emergency				
24	regulatory authority to make changes in order to minimize barriers to services and support				
25	broader appropriate utilization of the identified services.				
26	PPPP. The Department of Medical Assistance Services shall review and consider				
27	amending regulations governing the practice and requirements for peer recovery services				
28	for individuals with mental illness and/or substance use disorder. In reviewing the				
29	regulations, the department shall convene stakeholders to assess the existing barriers to				
30	providing the service and assist in the development of emergency regulations.				
31	Stakeholders shall include, but not be limited to, the Virginia Organization of Consumers				
32	Asserting Leadership (VOCAL), Substance Abuse Addiction Recovery Alliance				
33	(SAARA), Virginia Network of Private Providers (VNPP), Mental Health America-				
34	Virginia (MHA-V), Virginia Association of Community Services Boards (VACSB), and				
35	National Alliance for Mental Illness-Virginia (NAMI-V). The department shall have the				
36	authority to promulgate emergency regulations to implement changes that are budget				
37	neutral within 280 days or less from the enactment of this act. The department shall				
38	submit changes that have a fiscal impact as part of the normal budget process for				
39	consideration in the 2021 Session.				
40	QQQQ. The Department of Medical Assistance Services shall adjust the post eligibility				
41	special earnings allowance for individuals in the CCC Plus, Community Living, Family				
42	and Individual Support and Building Independence waiver programs to incentivize				
43	employment for individuals receiving waiver services. DMAS shall lower the number of				
44	hours from at least eight hours but less than 20 hours per week requirement to at least four				
45	hours but less than 20 hours per week. The Special Earnings Allowance for waiver				
46	participants allows a percentage of earned income to be disregarded when calculating an				
47	individual's contribution to the cost of their waiver services when earning income. The				
48	current requirement is at least eight hours but less than 20 hours per week for a disregard				
49	of up to 200 percent of Supplemental Security Income (SSI) and a disregard of up to 300				
50	percent for individuals that work 20 hours or more per week.				
51	RRRR. The Department of Medical Assistance Services shall conduct an analysis to				
52	determine if any additional payment opportunities could be directed to the primary				
53	teaching hospital affiliated with a Liaison Committee on Medical Education (LCME)				
54	accredited medical school located in Planning District 23 that is a political subdivision of				
55	the Commonwealth, based on the department's reimbursement methodology established				
56	for such payments. If such opportunity does exist, the department shall work with the				
57	entities to determine the framework for implementing such payments, including a				
58	reasonable cap on such payments so other qualifying entities are not adversely affected in				
59	future years.				

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1	SSSS.1. Effective July 1, 2020, the Department of Medical Assistance Services shall increase				
2	the rates for agency and consumer directed personal care, respite and companion services in				
3	the home and community based services waivers and Early Periodic Screening, and Diagnosis				
4	and Treatment (EPSDT) program by five percent. The department shall have the authority to				
5	implement these changes prior to completion of any regulatory process undertaken in order to				
6	effect such change.				
7	2. Effective May 1, 2021, the Department of Medical Assistance Services shall increase the				
8	rates for agency- and consumer-directed personal care, respite and companion services in the				
9	home and community based services waivers and Early Periodic Screening, and Diagnosis				
10	and Treatment (EPSDT) program by 6.4 percent. The department shall have the authority to				
11	implement these changes prior to completion of any regulatory process undertaken in order to				
12	effect such change.				
13	3. Effective January 1, 2022, the Department of Medical Assistance Services shall increase				
14	the rates for agency- and consumer-directed personal care, respite and companion services in				
15	the home and community based services waivers and Early Periodic Screening, and Diagnosis				
16	and Treatment (EPSDT) program by 12.5 percent. The department shall have the authority to				
17	implement these changes prior to completion of any regulatory process undertaken in order to				
18	effect such change.				
19	4. The Governor shall include in the introduced budget for the 2022 Session, submitted				
20	pursuant to § 2.2-1509, Code of Virginia, appropriations to support additional rate increases				
21	for agency- and consumer-directed personal care, respite and companion services that reflect				
22	additional increases in the state minimum wage such that the rates: (i) maintain the existing				
23	differential between the consumer-directed Rest-of-State rate above the state minimum wage;				
24	(ii) maintain the differential between the Northern Virginia and the Rest-of-State rate; and (iii)				
25	for agency-directed services are increased by the same percentage increase applied to				
26	consumer-directed services based on the prior provisions.				
27	UUUU. Effective July 1, 2021, the Department of Medical Assistance Services shall amend				
28	the State Plan for Medical Assistance to increase the practitioner rates for anesthesiologists to				
29	reflect the equivalent of 70 percent of the 2019 Medicare rates. The department shall ensure				
30	through its contracts with managed care organizations that the rate increase is reflected in				
31	their rates to providers. The department shall have the authority to implement these				
32	reimbursement changes prior to the completion of any regulatory process undertaken in order				
33	to effect such changes.				
34	VVVV. The Department of Medical Assistance Services shall amend the State Plan for				
35	Medical Assistance to increase the supplemental physician payments for physicians employed				
36	at a freestanding children's hospital serving children in Planning District 8 to the maximum				
37	allowed by the Centers for Medicare and Medicaid Services within the limit of the				
38	appropriation provided for this purpose. The total supplemental Medicaid payment shall be				
39	based on the Upper Payment Limit approved by the Centers for Medicare and Medicaid				
40	Services and all other Virginia Medicaid fee-for-service payments. The department shall have				
41	the authority to implement these reimbursement changes effective July 1, 2021, and prior to				
42	the completion of any regulatory process undertaken in order to effect such change.				
43	WWWW. The Department of Medical Assistance Services shall have the authority to amend				
44	the State Plan for Medical Assistance or any waiver under Title XIX of the Social Security				
45	Act to increase the income eligibility for participation in the Medicaid Works program to 138				
46	percent of the Federal Poverty Level. The department shall have the authority to implement				
47	this change prior to the completion of the regulatory process necessary to implement such				
48	change.				
49	XXXX. The Department of Medical Assistance Services shall amend the State Plan under				
50	Title XIX and XXI to add coverage of tobacco cessation services for full coverage adults who				
51	are not enrolled pursuant to the Patient Protection and Affordable Care Act. The department				
52	shall have the authority to implement these changes effective July 1, 2021, and prior to the				
53	completion of any regulatory process undertaken in order to effect such changes.				
54	YYYY. Effective July 1, 2021, the Department of Medical Assistance Services shall increase				
55	rates for skilled and private duty nursing services to 80 percent of the benchmark rate				

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1	developed by the department and consistent with the appropriation available for this				
2	purpose. The department shall have the authority to implement these changes prior to the				
3	completion of any regulatory process to effect such changes.				
4	ZZZZ. Effective, January 1, 2021, the Department of Medical Assistance Services shall				
5	amend the State Plan for Medical Assistance under Title XIX of the Social Security Act,				
6	and any necessary waivers, to authorize time and a half up to eight hours and effective				
7	July 1, 2021, up to 16 hours for a single attendant who works more than 40 hours per				
8	week for attendants providing Medicaid-reimbursed consumer-directed (CD) personal				
9	assistance, respite and companion services. The department shall have authority to				
10	implement this provision prior to the completion of any regulatory process undertaken in				
11	order to effect such change.				
12	AAAAA. The Department of Medical Assistance Services shall amend the State Plan for				
13	Medical Assistance Services to allow the pending, reviewing and the reducing of fees for				
14	avoidable emergency room claims for codes 99282, 99283 and 99284, both physician and				
15	facility. The department shall utilize the avoidable emergency room diagnosis code list				
16	currently used for Managed Care Organization clinical efficiency rate adjustments. If the				
17	emergency room claim is identified as a preventable emergency room diagnosis, the				
18	department shall direct the Managed Care Organizations to default to the payment amount				
19	for code 99281, commensurate with the acuity of the visit. The department shall have the				
20	authority to implement this reimbursement change effective July 1, 2020, and prior to the				
21	completion of any regulatory process undertaken in order to effect such change.				
22	BBBBB. The Department of Medical Assistance Services shall amend the State Plan for				
23	Medical Assistance Services under Title XIX to modify the definition of readmissions to				
24	include cases when patients are readmitted to a hospital for the same or a similar diagnosis				
25	within 30 days of discharge, excluding planned readmissions, obstetrical readmissions,				
26	admissions to critical access hospitals, or in any case where the patient was originally				
27	discharged against medical advice. If the patient is readmitted to the same hospital for a				
28	potentially preventable readmission then the payment for such cases shall be paid at 50				
29	percent of the normal rate, except that a readmission within five days of discharge shall be				
30	considered a continuation of the same stay and shall not be treated as a new case. Similar				
31	diagnoses shall be defined as ICD diagnosis codes possessing the same first three digits.				
32	The department shall have the authority to implement this reimbursement change effective				
33	July 1, 2020, and prior to the completion of any regulatory process undertaken in order to				
34	effect such change. The department shall report quarterly on the number of hospital				
35	readmissions, the cost, and the primary diagnosis of such readmissions to the Joint				
36	Subcommittee for Health and Human Resources Oversight.				
37	CCCCC. The Department of Medical Assistance Services shall establish a workgroup of				
38	Medicaid managed care organizations, physicians and pharmacists and other stakeholders,				
39	as necessary, to assess policies and procedures, including risk sharing arrangements,				
40	reimbursement methods or other mechanisms to determine Medicaid coverage and				
41	reimbursement of FDA fast-track drugs and emerging-break-through technologies. The				
42	assessment shall include an examination of other states' approaches to determine Medicaid				
43	coverage, clinical criteria for coverage across the fee-for-service and managed care				
44	programs, risk sharing arrangements, and reimbursement methodologies including kick-				
45	payments or other pass-through arrangements that are consistent with the utilization and				
46	cost of the drug or technology. The assessment will also examine and make				
47	recommendations regarding the timeline for providing coverage from the date of FDA				
48	approval of the drug or technology. The workgroup shall report on issues and				
49	recommendations to the Joint Subcommittee for Health and Human Resources Oversight				
50	by September 1, 2020, including any budgetary or regulatory authority required to				
51	implement changes for such coverage.				
52	DDDDD. The Department of Medical Assistance Services shall continue working with the				
53	Department of Behavioral Health and Developmental Services to complete the actions				
54	necessary to qualify to file a Section 1115 waiver application for Serious Mental Illness				
55	and/or Serious Emotional Disturbance. The department shall develop such a waiver				
56	application at the appropriate time that shall be consistent with the Addiction Treatment				
57	and Recovery Services substance abuse waiver program. The department shall develop a				
58	plan with a timeline and potential costs savings of such a waiver to the Commonwealth.				

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1	The department shall provide an update on the status of the waiver by November 1 of each				
2	year to the Chairs of the House Appropriations and Senate Finance and Appropriations				
3	Committees.				
4	EEEE.1. Effective January 1, 2021, the Department of Medical Assistance Services shall				
5	develop and implement an actuarially sound risk adjustment model that addresses the				
6	behavioral health acuity differences among the Medicaid managed care organizations for the				
7	community well population of individuals who are dually eligible for Medicare and Medicaid				
8	currently served through the Commonwealth Coordinated Care (CCC) Plus program.				
9	Behavioral Health services shall be defined to include the following: case management				
10	services, community behavioral health, early intervention services, and addiction and				
11	recovery treatment services. The risk adjustment shall be based on nationally accepted				
12	models, such as the Chronic Illness and Disability Payment System (COPS) or Clinical				
13	Classifications Software Refined (CCSR), and shall incorporate variables predictive of				
14	behavioral health service utilization. Managed care experience shall be utilized as the basis				
15	for the risk adjustment.				
16	2. Effective January 1, 2021, the Department of Medical Assistance Services shall develop				
17	and implement differential capitation rates for members in behavioral health treatment versus				
18	those who are not, for the community well population of individuals who are dually eligible				
19	for Medicare and Medicaid currently served through the CCC Plus program. The rates shall				
20	be actuarially sound and the behavioral health rates shall additionally incorporate risk				
21	adjustment to account for acuity differences amongst the managed care organizations.				
22	Behavioral health services shall be defined to include the following: case management				
23	services, community behavioral health, early intervention services, and addiction and				
24	recovery treatment services. The risk adjustment shall be based on nationally accepted				
25	models, such as The Chronic Illness and Disability Payment System (COPS) or Clinical				
26	Classifications Software Refined (CCSR), and shall incorporate variables predictive of				
27	behavioral health service utilization. Managed care experience shall be utilized as the basis				
28	for the establishment of the capitation rates and the risk adjustment.				
29	3. The risk adjustment model and differential capitation rates in these paragraphs shall be				
30	implemented such that the impact is budget neutral.				
31	FFFF.1. The Department of Medical Assistance Services shall accept from any county, city,				
32	or town provider assessment funds that have been collected, pursuant to an ordinance, from				
33	inpatient hospitals to make Medicaid supplemental payments pursuant to the State Plan for				
34	Medical Assistance Services amendments 11-018 and 11-019. The Department of Medical				
35	Assistance Services shall pay such funds into the state treasury to be credited to the Medicaid				
36	Supplemental Payment Program Fund established in subsection 2.				
37	2. There is hereby created in the state treasury a special nonreverting fund to be known as the				
38	Medicaid Supplemental Payment Program Fund, referred to in this section as "the Fund." The				
39	Fund shall be established on the books of the Comptroller. All funds accepted by the				
40	Department of Medical Assistance Services from any county, city, or town to make Medicaid				
41	supplemental payments pursuant to the State Plan for Medical Assistance Services				
42	amendments 11-018 and 11-019 shall be paid into the state treasury and credited to the Fund.				
43	Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any				
44	moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall				
45	not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used				
46	solely for the purpose of funding the non-federal share of the Medicaid supplemental payment				
47	programs authorized by the State Plan for Medical Assistance Services amendments 11-018				
48	and 11-019. Expenditures and disbursements from the Fund shall be made by the State				
49	Treasurer on warrants issued by the Comptroller upon written request signed by the Director				
50	of the Department of Medical Assistance Services.				
51	3. Medicaid supplemental payments authorized under amendments 11-018 and 11-019 are				
52	strictly applicable to the period October 25, 2011 through June 30, 2017 and will necessarily				
53	be applied against the private hospital upper payment limit for each state fiscal year therein.				
54	No Medicaid supplemental payments authorized under amendments 11-018 and 11-019 may				
55	apply to any state fiscal year or any related private hospital upper payment limit beginning				
56	July 1, 2017.				
57	4. In the event of any federal disallowance action associated with Medicaid supplemental				

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1	payments paid to qualifying hospitals by the Department of Medical Assistance Services				
2	under the authority of amendments 11-018 and 11-019, hospitals in receipt of the				
3	Medicaid supplemental payments in dispute or the hospital health system owner shall				
4	return to the Department of Medical Assistance Services all federal funds associated with				
5	the Medicaid supplemental payments subject to the disallowance action.				
6	5. The authority of a local government to enact an ordinance to impose an assessment				
7	shall be governed by the charter of such local government or pursuant to the Uniform				
8	Charters Powers Act.				
9	6. The authority of the Department of Medical Assistance Services to appropriate monies				
10	under amendments 11-018 and 11-019 shall only be permitted as authorized in the budget.				
11	7. The Department of Medicaid Assistance services shall retain five percent of the federal				
12	funding for state costs related to administration of the supplemental payment program and				
13	shall deposit such funds into the Health Care Fund.				
14	8. The provisions of this paragraph are contingent on approval from CMS waiving the two				
15	year timely filing requirement and federal approval of the local provider assessment				
16	program.				
17	GGGGG. The Department of Medical Assistance Services shall review reimbursement of				
18	services covered under the state's Medicaid program provided by local education agencies				
19	to Medicaid eligible children and determine what services can be covered outside of a				
20	student's Individualized Education Plan consistent with federal rules and regulations. The				
21	department shall evaluate options to consider to allow school divisions to draw down				
22	additional federal resources in supporting the needs of school children. The department				
23	shall report its findings and recommendations to the Chairs of the House Appropriations				
24	and Senate Finance and Appropriations Committees by December 15, 2020.				
25	HHHHH. Free-standing emergency departments, also referred to as dedicated emergency				
26	departments as defined in 42 C.F.R. § 489.24(b) that operate as a department of a hospital				
27	subject to requirements of the federal Emergency Medical Treatment and Labor Act (42				
28	U.S.C. § 1395dd), and is located off the main hospital campus or in an independent				
29	facility, shall submit to the payor upon billing for services rendered (i) the campus				
30	location in which their services were rendered, and (ii) an indicator specifying that the				
31	services were rendered in a free-standing emergency department.				
32	IIII.1. Effective July 1, 2021, the Department of Medical Assistance Services shall have				
33	the authority to amend the State Plan of Medical Assistance under Title XIX of the Social				
34	Security Act to provide a comprehensive dental benefit to adults. The department shall				
35	work with its Dental Advisory Committee, including members of the Virginia Dental				
36	Association, the Virginia Health Catalyst, the Virginia Commonwealth University School				
37	of Dentistry, the Virginia Dental Hygienists Association, the Virginia Health Care				
38	Association, a representative of the developmental and intellectual disability community,				
39	the Virginia Department of Health and the administrator of the Smiles for Children				
40	program to develop the benefit. The benefit shall be modeled after the existing benefit for				
41	pregnant women. The benefit shall include preventive and restorative services and shall				
42	not include any cosmetic services or orthodontic services. The Dental Advisory				
43	Committee shall design a benefit that does not exceed the appropriated funds to provide				
44	such services. The department shall work with its dental benefit administrator, the				
45	Virginia Dental Association, the Virginia Association of Free and Charitable Clinics, the				
46	Virginia Community Healthcare Association and other stakeholders to ensure an adequate				
47	network of providers and awareness among beneficiaries. The department shall report to				
48	the Chairs of the House Appropriations and Senate Finance and Appropriations				
49	Committees on the benefit design and plans for the implementation of the benefit by				
50	November 1, 2020. The department shall have authority to promulgate emergency				
51	regulations to implement these changes within 280 days or less from the enactment date of				
52	this act.				
53	2. The Department of Planning and Budget shall have the authority to transfer				
54	appropriation from Item 317 to Item 316 in this act, as needed, to fund the administrative				
55	costs of implementing the new Medicaid dental benefit for adults if the existing				
56	appropriation in Item 316 is insufficient.				

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1	JJJJ. The Department of Medical Assistance Services shall conduct a review of other state				
2	methods and strategies for providing sick leave to personal care attendants and evaluate				
3	feasible options for the Commonwealth to consider. The department shall report its findings				
4	and recommendations to the Chairs of the House Appropriations and Senate Finance and				
5	Appropriations Committees by November 1, 2020.				
6	KKKKK.1. The Department of Medical Assistance Services, in collaboration with the				
7	Virginia Department of Social Services, state workforce agencies and programs, and				
8	appropriate stakeholders, shall develop a referral system designed to connect current and				
9	newly eligible Medicaid enrollees to employment, training, education assistance and other				
10	support services. The department shall review current federal law and regulations that may				
11	allow through State Plan amendments, contracts, or other policy changes, the department to				
12	support such a referral program. The department shall provide new enrollees in the Medicaid				
13	program, that have been identified as being potentially unemployed or underemployed with				
14	information on all available state and federal programs available to them that offer training,				
15	education assistance or other types of employment support services. The department shall				
16	work with its contracted managed care organizations to facilitate referrals to employment				
17	related services. To the degree that resources are available in other state agencies or from				
18	federal grants to support the referral program and existing authority permits such use, the				
19	department shall coordinate the use of such programs to provide assistance to Medicaid				
20	enrollees.				
21	2. The department shall report on development of the referral program and make				
22	recommendations to the Chairs of the House Appropriations and Senate Finance and				
23	Appropriations Committees by October 1, 2020.				
24	LLLLL.1. The Department of Medical Assistance Services shall increase nursing home and				
25	specialized care per diem rates by \$20 per day per patient effective until June 30, 2021, and				
26	by \$15 per day effective July 1, 2021. Such adjustment shall be made through existing				
27	managed care capitation rates as a mandated specified rate increase. DMAS shall adjust				
28	capitation rates to account for the nursing facility rate increase. The department shall have the				
29	authority to file all necessary regulatory authorities without delay, make any necessary				
30	contract changes, and implement these reimbursement changes without regard to existing				
31	regulations. The specified rate increase in this paragraph applies across fee-for-service and				
32	Medicaid managed care.				
33	2.a. The Department of Medical Assistance Services (DMAS) shall work with appropriate				
34	nursing facility (NF) stakeholders and the CCC Plus managed care organizations (MCOs) to				
35	develop a unified, value-based purchasing (VBP) program that includes enhanced funding for				
36	facilities that meet or exceed performance and/or improvement thresholds as developed,				
37	reported, and consistently measured by DMAS in cooperation with participating facilities.				
38	The methodology and timing for the Virginia nursing facility VBP program, including				
39	structures for nursing facility performance accountability and disbursement of earned				
40	financial incentives, shall be completed no later than December 31, 2021, with the program				
41	targeted to begin no later than July 1, 2022. Nursing facility performance evaluation under the				
42	program shall prioritize maintenance of adequate staffing levels and avoidance of negative				
43	care events, such as hospital admissions and emergency department visits. The program may				
44	also consider performance evaluation in the areas of preventive care, utilization of home and				
45	community based services, including community transitions, and other relevant domains of				
46	care.				
47	b. During the first year of this program, half of the available funding shall be distributed to				
48	participating nursing facilities to be invested in functions, staffing, and other efforts necessary				
49	to build their capacity to enhance the quality of care furnished to Medicaid members. The size				
50	of such payments shall be based on the nursing facility size as determined by the average				
51	number of Medicaid members enrolled with the nursing facility. The remaining funding shall				
52	be allocated based on performance criteria as designated under the nursing facility VBP				
53	Program. The amount of funding devoted to nursing facility quality of care investments shall				
54	be 25 percent of available funding in the second year of the program before the program				
55	transitions to payments based solely on nursing facility performance criteria in the third year				
56	of the program. In the third year of this program, such funds as appropriated for this purpose				
57	shall be fully disbursed according to the aforementioned unified VBP arrangement to				
58	participating nursing facilities that qualify for the enhanced funding.				

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1	c. The department shall convene the stakeholders no less than annually through at least the				
2	first two years of the program to review program progress and discuss potential				
3	modifications to components of the arrangement, including, but not limited to, timing of				
4	enhanced payments, performance metrics, and threshold determinations. The department				
5	shall implement the necessary regulatory changes and other necessary measures to be				
6	consistent with federal approval of any appropriate changes to the state plan or relevant				
7	waivers thereof, and prior to the completion of any regulatory process undertaken to effect				
8	such change.				
9	MMMM. The Department of Medical Assistance Services (DMAS) shall modify the				
10	disbursement methodology for the State's allocation of federal CARES Act funding to				
11	nursing facilities and assisted living facilities to define eligible costs for reimbursement				
12	from this funding as COVID-related costs incurred since March 12, 2020, or as far back as				
13	the CARES Act allows.				
14	NNNN. The Department of Medical Assistance Services shall submit a request to amend				
15	its 1915(c) Home and Community-Based Services (HCBS) waivers with an Emergency				
16	Preparedness and Response Appendix K to the Centers for Medicare and Medicaid				
17	Services to allow telehealth and virtual and/or distance learning for Group Day, Supported				
18	Employment and Benefits Planning services for the duration of the Governor's declared				
19	state of emergency due to the COVID-19 pandemic or until the Appendix K expires. The				
20	department shall have the authority to implement this change prior to the completion of				
21	the regulatory process.				
22	OOOO. The Department of Medical Assistance Services shall allow Medicaid agency-				
23	directed personal care and respite services to conduct telephonic supervisory visits by a				
24	licensed nurse (either a registered nurse or a licensed practical nurse (LPN)). A registered				
25	nurse must conduct the supervisory visit at least every 90 calendar days with the LPN				
26	making any other supervisory visits during that time. The department's forms shall be used				
27	to document the interaction during these phone calls and shall meet the standards already				
28	established by the department to include verbal consent, authorization, and confirmation				
29	of participation. This flexibility shall remain in place only for the duration of the				
30	Governor's declared state of emergency due to the COVID-19 pandemic.				
31	PPPP. The Department of Medical Assistance Services shall seek federal authority				
32	through waiver and State Plan amendments under Titles XIX and XXI of the Social				
33	Security Act to expand the Preferred Office-Based Opioid Treatment (OBOT) model to				
34	include individuals with substance use disorders (SUD) that are covered in the Addiction				
35	and Recovery Treatment Services (ARTS) benefit. The department shall have the				
36	authority to promulgate emergency regulations to implement these amendments within				
37	280 days or less from the enactment of this Act. The department shall have the authority to				
38	implement these changes prior to completion of any regulatory process undertaken in				
39	order to effect such change.				
40	QQQQ. The Department of Medical Assistance Services shall seek federal authority				
41	through waiver and State Plan amendments under Titles XIX and XXI of the Social				
42	Security Act to expand the definition of durable medical equipment per 42 CFR 440.70 (b)				
43	(3), so that the definition is no longer limited to items primarily used in the home but also				
44	extends to any setting where normal activities take place. The Department shall have the				
45	authority to promulgate emergency regulations to implement this amendment within 280				
46	days or less from the enactment of this Act. The department shall have the authority to				
47	implement these changes prior to completion of any regulatory process undertaken in				
48	order to effect such change.				
49	RRRR. The Department of Medical Assistance Services (DMAS) is authorized to amend				
50	the State Plan for Medical Assistance Services to implement a supplemental Medicaid				
51	payment for Department of Veterans Services (DVS) state government-owned nursing				
52	facilities. The total supplemental Medicaid payment for DVS state government owned				
53	nursing homes shall be based on the difference between the Upper Payment Limit of 42				
54	CFR 447.272, as approved by the Centers for Medicare and Medicaid Services (CMS),				
55	and all other Medicaid payments subject to such limit made to such nursing homes.				
56	DMAS shall not submit any State Plan amendment to CMS that implements this payment				
57	until DMAS enters into an intergovernmental agreement with DVS. This agreement shall				

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1	include the following provisions: 1) DVS shall transfer funds to DMAS for use as the state				
2	share of the full cost of the supplemental Medicaid payment for which each nursing home is				
3	entitled; 2) DVS must demonstrate that it has the authority and ability to transfer the				
4	necessary funds to DMAS; and, 3) DVS shall attest that any funds provided for state match				
5	will comply with federal law for use as the state share for the supplemental Medicaid				
6	payment. If DVS is unable to enter into or comply with the provisions of such an				
7	intergovernmental agreement, then DMAS shall immediately modify the Medicaid State Plan				
8	and adjust any supplemental payments accordingly. DMAS shall have the authority to				
9	implement the reimbursement changes consistent with the effective date in the State Plan				
10	amendment approved by CMS and prior to the completion of any regulatory process				
11	undertaken in order to effect such change.				
12	SSSSS. Out of amounts appropriated in the items for this agency, \$1,739,306 the second year				
13	from the general fund and \$3,805,694 the second year from nongeneral funds is provided to				
14	offset systems costs incurred by managed care organizations (MCO) as a result of complying				
15	with the federal requirements associated with the Interoperability and Patient Access Final				
16	Rule and the 21st Century Cures Act. Beginning with FY 2023 MCO contracts, the				
17	Department of Medical Assistance Services shall adjust capitation rates to remove all one-				
18	time funding associated with this effort.				
19	TTTTT. The Department of Medical Assistance Services shall update its regulations to reflect				
20	the Department of Behavioral Health and Developmental Services licensing criteria for the				
21	American Society of Addiction Medicine (ASAM) Level of Care 4.0. The Department shall				
22	have the authority to promulgate emergency regulations to implement this amendment within				
23	280 days or less from the enactment of this Act. The department shall have the authority to				
24	implement these changes prior to completion of any regulatory process undertaken in order to				
25	effect such change.				
26	UUUUU. The Department of Medical Assistance Services shall amend the State Plan for				
27	Medical Assistance to authorize the reimbursement, using a budget neutral methodology, of				
28	pharmacy-administered immunizations for all vaccinations covered under the medical benefit				
29	for Medicaid members. Reimbursement for fee-for-service members shall be the cost of the				
30	vaccine plus an administration fee not to exceed \$16. Reimbursement for pharmacy-				
31	administered vaccinations for pediatric Medicaid members eligible for free vaccinations				
32	through the Vaccines For Children (VFC) program shall include only the administration fee.				
33	The Department is authorized to set the administration fee for COVID-19 vaccines at the				
34	same level as Medicare reimbursement for such vaccines. The Department shall promulgate				
35	regulations to become effective within 280 days or less from the enactment date of this Act to				
36	implement this change.				
37	VVVVV. The Department of Medical Assistance Services shall amend the State Plan for				
38	Medical Assistance to authorize coverage for clinically appropriate audio-only services,				
39	provider-to-provider consultations, store-and-forward, and virtual check-ins with patients. The				
40	Department shall promulgate regulations to become effective within 280 days or less from the				
41	enactment date of this Act to implement this change.				
42	WWWWW. The Department of Medical Assistance Services shall amend the State Plan for				
43	Medical Assistance to authorize coverage of community doula services for Medicaid-enrolled				
44	pregnant women. Services shall include up to 8 prenatal/postpartum visits, and support during				
45	labor and delivery. The Department shall also implement up to two linkage-to-care incentive				
46	payments for postpartum and newborn care.				
47	XXXXX.1. Out of this appropriation, \$995,742 the second year from the general fund and				
48	\$995,742 the second year from nongeneral funds shall be used to fund the cost of COVID-19				
49	vaccinations for non-expansion adults in the Medicaid fee-for-service and managed care				
50	programs. The Department of Medical Assistance Services (DMAS) shall have the authority				
51	to make necessary changes to waivers and/or the Medicaid state plan to implement this				
52	change and ensure that all adult Medicaid members have access to COVID-19 vaccinations.				
53	The department shall have the authority to implement such changes effective upon passage of				
54	this Act, and prior to the completion of any regulatory process undertaken in order to effect				
55	such changes.				
56	2. By August 1, 2021, DMAS shall develop a report that details all COVID-19 vaccination				
57	costs incurred in FY 2021 and a projection of FY 2022 costs. This report shall include, at a				

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1	minimum, a breakdown of spending by purpose and fund as well as the impact on				
2	managed care capitated payments. DMAS shall provide this report to the Director,				
3	Department of Planning and Budget and the Chairmen of the House Appropriations and				
4	Senate Finance and Appropriations Committees upon completion.				
5	YYYYY. The Department of Medical Assistance Services shall amend the Medicaid and				
6	CHIP State Plans to authorize prescriptions of contraceptives up to a 12 month supply for				
7	eligible beneficiaries in the Medicaid and CHIP programs. The department shall have the				
8	authority to promulgate emergency regulations to implement these amendments within				
9	280 days or less from the enactment of this Act.				
10	ZZZZZ. The Department of Medical Assistance Services shall modify agency policy				
11	manuals to affirm coverage of services related to gender dysphoria for Medicaid members.				
12	AAAAAA. The Department shall amend the State Plan for Medical Assistance to allow				
13	payment of medical assistance services delivered to Medicaid-eligible students when such				
14	services qualify for reimbursement by the Virginia Medicaid program and may be				
15	provided by school divisions, regardless of whether the student receiving care has an				
16	individualized education program or whether the health care service is included in a				
17	student's individualized education program. Such services shall include those covered				
18	under the state plan for medical assistance services or by the Early and Periodic Screening,				
19	Diagnostic, and Treatment (EPSDT) benefit as specified in § 1905(r) of the federal Social				
20	Security Act, and shall include a provision for payment of medical assistance for health				
21	care services provided through telemedicine services, as defined in § 38.2-3418.16. No				
22	health care provider who provides health care services through telemedicine shall be				
23	required to use proprietary technology or applications in order to be reimbursed for				
24	providing telemedicine services.				
25	BBBBBB. The Department of Medical Assistance Services shall seek federal authority				
26	through waiver and State Plan amendments under Title XIX of the Social Security Act to				
27	provide sick leave to providers of consumer-directed personal, respite or companion care.				
28	CCCCCC. The Department of Medical Assistance Services is authorized to amend the				
29	State Plan under Title XIX of the Social Security Act to add coverage for the current				
30	procedural terminology (CPT) codes for Applied Behavioral Analysis that were added to				
31	the CPT list in January 2019, or any future updates to these CPT codes. The department				
32	shall have the authority to implement related programmatic changes to service definitions,				
33	prior authorization and utilization review criteria, provider qualifications, and				
34	reimbursement rates for the Behavioral Therapy Program. The department shall have the				
35	authority to implement these changes effective December 1, 2021, and prior to completion				
36	of any regulatory process to effect such changes.				
37	DDDDDD. The Department of Medical Assistance Services, in coordination with the				
38	Department of Behavioral Health and Developmental Services, shall submit a request to				
39	the Centers for Medicare and Medicaid Services to amend its 1915(c) Home &				
40	Community-Based Services (HCBS) waivers to allow telehealth and virtual and/or				
41	distance learning as a permanent service option and accommodation for individuals on the				
42	Community Living, Family and Individual Services and Building Independence Waivers.				
43	The amendment, at a minimum, shall include all services currently authorized for				
44	telehealth and virtual options during the COVID-19 pandemic. The departments shall				
45	actively work with the established Developmental Disability Waiver Advisory Committee				
46	and other appropriate stakeholders in the development of the amendment including service				
47	elements and rate methodologies. The department shall have the authority to implement				
48	these changes prior to the completion of the regulatory process.				
49	EEEEEE. The Department of Medical Assistance Services (DMAS) shall convene a				
50	workgroup and make recommendations on a Medicaid home-visiting benefit to support				
51	members' health, access to care and health equity. The workgroup shall include				
52	representatives from DMAS, Managed Care Organizations, the Virginia Department of				
53	Health, the Department of Health Professions, licensed and unlicensed providers of				
54	maternal and child health services, Early Impact Virginia, stakeholder groups, and				
55	community organizations. The workgroup shall: (i) analyze federal and state regulations				
56	and funding mechanisms impacting establishment of a Medicaid home visiting benefit; (ii)				
57	review home visiting strategies and benefits implemented in other state Medicaid				

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1	programs; (iii) analyze and make recommendations on appropriate services and rates to be				
2	included in a Medicaid home visiting benefit; and (iv) project estimated costs over the next				
3	five years. The department shall report on the results and recommendations of the workgroup				
4	to the Chairs of the House Appropriations and Senate Finance and Appropriations				
5	Committees by December 1, 2021.				
6	FFFFF. It is the intent of the General Assembly that from any additional federal funding that				
7	is provided to the Commonwealth to offset the economic impacts from COVID-19 that a				
8	portion of such funding shall be set aside and allocated to provide support payments to				
9	Medicaid Developmental Disability Waiver providers that have experienced a significant				
10	disruption in operations and revenue during the COVID-19 public health emergency (PHE).				
11	The Department of Medical Assistance Services, in collaboration with the Department of				
12	Behavioral Health and Developmental Services, the Virginia Network of Private Providers,				
13	the Virginia Association of Community Rehabilitation Programs (vaACCSES),				
14	representatives of different types of waiver providers, and other appropriate stakeholders shall				
15	develop criteria to determine the eligibility for and the amount of the support payments. The				
16	criteria shall prioritize providers that have received no other state or federal assistance to date				
17	during the PHE, other waiver providers that have received some limited assistance from state				
18	and federal sources, and waiver providers that are at risk of closing due to the PHE disruption				
19	and for which the Commonwealth needs to maintain an adequate provider network such that				
20	when the PHE emergency ends there are sufficient providers to meet the service needs of				
21	Medicaid members.				
22	GGGGG. The Department of Medical Assistance Services shall defer the next scheduled				
23	nursing facility rate rebasing for one year in order to utilize the calendar year 2021 cost				
24	reports as the base year. The deferred year's rates would reflect the prior year rates inflated				
25	according to the existing reimbursement regulations. The department shall have the authority				
26	to implement these changes effective July 1, 2021 and prior to the completion of any				
27	regulatory process undertaken in order to effect such change.				
28	HHHHH. The Department of Medical Assistance Services shall analyze utilization of				
29	Transportation Network Company (TNC) Type II Non Emergency Medicaid Transportation				
30	(NEMT) providers by the Medicaid fee-for-service program and the department's contracted				
31	Medicaid managed care organizations. The department shall identify any barriers to patient				
32	access to TNC Type II NEMT services. In its review of barriers to accessing TNC Type II				
33	NEMT benefits, the department shall identify any gaps in TNC Type II service contracting				
34	between the department's contracted MCOs, or their transportation brokers and TNC Type II				
35	NEMT providers. Additionally, the department shall examine the eligible patient population				
36	for TNC Type II NEMT services to ensure all clinically indicated Medicaid beneficiaries are				
37	eligible for TNC Type II NEMT services. Further, the department shall examine the necessity				
38	of TNC Type II operating requirements and identify any extraneous service requirements				
39	limiting TNC Type II services. The department shall report its findings and recommendations				
40	to the Chairs of the House Appropriations and Senate Finance and Appropriations				
41	Committees by October 1, 2021.				
42	IIIII.1. The Department of Medical Assistance Services shall have the authority to amend the				
43	State Plan for Medical Assistance to adjust the formula for indirect medical education (IME)				
44	reimbursement for managed care discharges for freestanding children's hospitals with greater				
45	than 50 percent Medicaid utilization in 2009 by increasing the case mix adjustment factor to				
46	2.718. This increased case mix index (CMI) factor shall take precedence over future rebasing.				
47	Total payments for IME in combination with other payments for freestanding children's				
48	hospitals with greater than 50 percent Medicaid utilization in 2009 may not exceed the federal				
49	uncompensated care cost limit that disproportionate share hospital payments are subject to.				
50	The department shall have the authority to implement these changes prior to completion of				
51	any regulatory process undertaken in order to effect such change.				
52	2. The Department of Medical Assistance Services shall work with the freestanding children's				
53	hospitals to assess the method used to determine the case mix adjustment factor and what				
54	factors may be influencing changes that result in significant funding shifts when rebasing				
55	occurs.				
56	JJJJJ. The Department of Medical Assistance Services, shall convene a work group to plan				
57	for implementing a pilot program to provide mobile vision clinic services to Medicaid,				

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1	FAMIS and MCHIP children in a school-based setting. The work group shall be				
2	comprised of Medicaid managed care organizations, mobile vision providers, school				
3	districts with and without these services, the Virginia Department of Education and others				
4	as appropriate. The work group shall determine the scope and design of the pilot program,				
5	including (i) the referral process for initial and follow-up services (ii) who shall provide				
6	the services, (iii) how parents or legal guardians will be notified, (iv) the role of school				
7	districts and the Department of Education in screening and referring children to the				
8	program, (iv) reimbursement rates for services that consider access, quality, and cost				
9	effectiveness of services provided, (v) detailed cost estimates of the pilot program, and				
10	(vi) a mechanism for evaluating the pilot program, The Department shall report on the				
11	recommendations of the workgroup by October 15, 2021 to the Governor and General				
12	Assembly.				
13	KKKKKK. The Department of Medical Assistance Services (DMAS) shall research the				
14	implications of eliminating restrictive Medicaid eligibility requirements through a "1634				
15	agreement" with the Social Security Administration (SSA) which will allow for automatic				
16	enrollment of Supplemental Security Income (SSI) recipients into Virginia's Medicaid				
17	program as categorically eligible individuals. DMAS shall report on its findings, including				
18	cost and programmatic changes that would be necessary to effect such changes by October				
19	1, 2021 to the Governor and General Assembly.				
20	LLLLLL. Notwithstanding the provisions of Item 479.10 of this Act, the Director of the				
21	Department of Planning and Budget shall have the authority to appropriate additional				
22	federal Medicaid revenue for current services as provided for in the American Rescue Plan				
23	Act of 2021 (ARPA). However, no expansion of Medicaid programs or services shall be				
24	implemented with ARPA funds unless specifically authorized by the General Assembly.				
25	Any state funds offset by this additional federal revenue shall remain unspent and shall be				
26	retained until expenditure of such funds is reauthorized and appropriated by the General				
27	Assembly.				
28	MMMMMM. <i>The Department of Medical Assistance Services shall amend the state plans</i>				
29	<i>under Titles XIX and XXI of the Social Security Act, and any waivers thereof as necessary</i>				
30	<i>to remove co-payments for enrollees. Such change shall be effective April 1, 2022, or upon</i>				
31	<i>expiration of the federal public health emergency related to the Coronavirus Disease 2019</i>				
32	<i>(COVID-19) pandemic, whichever is earlier. DMAS shall have the authority to implement</i>				
33	<i>this change prior to the completion of any regulatory process.</i>				
34	NNNNNN. <i>The Department of Medical Assistance Services shall seek federal authority</i>				
35	<i>through a State Plan Amendment to exclude excess resources accumulated by individuals</i>				
36	<i>receiving Long-term supports and services (LTSS) during the federal Public Health</i>				
37	<i>Emergency (PHE) for a period of 12 months beginning at the end of the federal PHE, due</i>				
38	<i>to the inability to increase patient pay. The department shall have the authority to</i>				
39	<i>implement this exclusion prior to the completion of any regulatory process undertaken in</i>				
40	<i>order to effect such change.</i>				
41	OOOOOO. <i>Freestanding children's hospitals with more than 50 percent Medicaid</i>				
42	<i>utilization in fiscal year 2009 shall not have to reimburse the Commonwealth of Virginia</i>				
43	<i>for the non-federal share of any refunds of disproportionate share hospitals (DSH)</i>				
44	<i>payments for the period of June 2, 2017 through June 30, 2020. This action is limited to</i>				
45	<i>refunds required under federal court decisions in connection to calculation of members</i>				
46	<i>with dual eligibility or third-party liability.</i>				
47	PPPPPP.1. <i>The Secretary of Health and Human Resources shall establish a Task Force</i>				
48	<i>on Eligibility Redetermination to ensure that the Commonwealth redetermines eligibility</i>				
49	<i>for Medicaid in the most efficient and prudent manner possible to meet the unwinding</i>				
50	<i>requirement associated with the end of the federal Public Health Emergency and the</i>				
51	<i>provisions of the maintenance of eligibility requirement in Medicaid pursuant to the</i>				
52	<i>Families First Coronavirus Response Act (P.L. 166-127). The Task Force shall include</i>				
53	<i>representatives from the Department of Medical Assistance Services, the Department of</i>				
54	<i>Social Services, the Department of Planning and Budget, and staff from the House</i>				
55	<i>Appropriations and Senate Finance and Appropriations Committees. The Task Force</i>				
56	<i>shall: (i) assess the current status of the shift of eligibility for individuals to the</i>				
57	<i>appropriate aid category that was assumed in the November 2021 forecast; (ii) evaluate</i>				

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1		<i>the current plan, including the timeline, of the Department of Medical Assistance Services and</i>				
2		<i>the local departments of social services to redetermine Medicaid eligibility in the most</i>				
3		<i>efficient manner after the expiration of the maintenance of eligibility requirements; (iii)</i>				
4		<i>assess the resources and operational capabilities of the agencies to handle the increased</i>				
5		<i>workload efficiently; and (iv) make recommendations as appropriate to improve the</i>				
6		<i>unwinding process until its conclusion.</i>				
7		<i>2. At the direction of the Secretary of Health and Human Resources, the Department of</i>				
8		<i>Medical Assistance Services is authorized to utilize federal American Rescue Plan Act funds</i>				
9		<i>to help address operational challenges in addressing eligibility redeterminations for</i>				
10		<i>Medicaid that may include providing additional funds to support overtime costs at local</i>				
11		<i>departments of social services and/or issuing emergency contracts to hire contractors to</i>				
12		<i>assist in the efforts.</i>				
13	314.	Not set out.				
14	315.	Medical Assistance Services for Low Income				
15		Children (46600).....			\$216,174,386	\$229,857,696
16						\$221,360,078
17		Reimbursements for Medical Services Provided to				
18		Low-Income Children (46601).....	\$216,174,386	\$229,857,696		
19				\$221,360,078		
20		Fund Sources: General.....	\$57,242,911	\$71,584,053		
21				\$67,964,391		
22		Federal Trust.....	\$158,931,475	\$158,273,643		
23				\$153,395,687		
24		Authority: Title 32.1, Chapters 9, 10 and 13, Code of Virginia; P.L. 89-97, as amended, Titles				
25		XIX and XXI, Social Security Act, Federal Code.				
26		To the extent that appropriations in this Item are insufficient, the Department of Planning and				
27		Budget shall transfer general fund appropriation, as needed, from Children's Health Insurance				
28		Program Delivery (44600) and Medicaid Program Services (45600), if available, into this				
29		Item to be used as state match for federal Title XXI funds.				
30	316.	Not set out.				
31	317.	Not set out.				
32	317.10	Not set out.				
33		Total for Department of Medical Assistance Services.			\$17,072,684,492	\$18,580,300,482
34						\$19,122,725,821
35		General Fund Positions.....	260.02	263.02		
36		Nongeneral Fund Positions.....	269.98	272.98		
37		Position Level.....	530.00	536.00		
38		Fund Sources: General.....	\$4,545,328,030	\$5,552,084,073		
39				\$4,649,993,559		
40		Special.....	\$2,810,000	\$3,829,800		
41		Dedicated Special Revenue.....	\$1,421,551,201	\$1,485,854,349		
42				\$1,575,402,380		
43		Federal Trust.....	\$11,102,995,261	\$11,538,532,260		
44				\$12,893,500,082		
45		§ 1-27. DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (720)				
46	318.	Not set out.				
47	319.	Not set out.				

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1	320.	Administrative and Support Services (49900).....		\$122,462,281	\$114,854,911
2					\$115,766,786
3		General Management and Direction (49901).....	\$21,016,747	\$21,016,747	
4		Information Technology Services (49902).....	\$43,783,399	\$38,138,105	
5				\$38,699,980	
6		Architectural and Engineering Services (49904).....	\$2,731,753	\$2,731,753	
7		Collection and Locator Services (49905).....	\$3,195,236	\$3,195,236	
8		Human Resources Services (49914).....	\$615,324	\$615,324	
9		Planning and Evaluation Services (49916).....	\$3,626	\$3,626	
10		Program Development and Coordination (49933)....	\$51,116,196	\$49,154,120	
11				\$49,504,120	
12		Fund Sources: General.....	\$63,970,461	\$69,619,931	
13				\$70,531,806	
14		Special.....	\$20,996,019	\$15,692,537	
15		Dedicated Special Revenue.....	\$8,200,000	\$0	
16		Federal Trust.....	\$29,295,801	\$29,542,443	
17	Authority: Title 16.1, Article 18, and Title 37.2, Chapters 2, 3, 4, 5, 6 and 7, and Title 2.2,				
18	Chapters 26 and 53 Code of Virginia; P.L. 102-119, Federal Code.				
19	A. The Commissioner, Department of Behavioral Health and Developmental Services				
20	shall, at the beginning of each fiscal year, establish the current capacity for each facility				
21	within the system. When a facility becomes full, the commissioner or his designee shall				
22	give notice of the fact to all sheriffs.				
23	B. The Commissioner, Department of Behavioral Health and Developmental Services				
24	shall work in conjunction with community services boards to develop and implement a				
25	graduated plan for the discharge of eligible facility clients to the greatest extent possible,				
26	utilizing savings generated from statewide gains in system efficiencies.				
27	C. Notwithstanding § 4-5.09 of this act and paragraph C of § 2.2-1156, Code of Virginia,				
28	the Department of Behavioral Health and Developmental Services is hereby authorized to				
29	deposit the entire proceeds of the sales of surplus land at state-owned behavioral health				
30	and intellectual disability facilities into a revolving trust fund. The trust fund may initially				
31	be used for expenses associated with restructuring such facilities. Remaining proceeds				
32	after such expenses shall be dedicated to continuing services for current patients as facility				
33	services are restructured.				
34	D. The Department of Behavioral Health and Developmental Services shall identify and				
35	create opportunities for public-private partnerships and develop the incentives necessary				
36	to establish and maintain an adequate supply of acute-care psychiatric beds for children				
37	and adolescents.				
38	E. The Department of Behavioral Health and Developmental Services, in cooperation with				
39	the Department of Juvenile Justice, where appropriate, shall identify and create				
40	opportunities for public-private partnerships and develop the incentives necessary to				
41	establish and maintain an adequate supply of residential beds for the treatment of juveniles				
42	with behavioral health treatment needs, including those who are mentally retarded,				
43	aggressive, or sex offenders, and those juveniles who need short-term crisis stabilization				
44	but not psychiatric hospitalization.				
45	F. Out of this appropriation, \$730,788 the first year and \$730,788 the second year from the				
46	general fund shall be provided for placement and restoration services for juveniles found				
47	to be incompetent to stand trial pursuant to Title 16.1, Chapter 11, Article 18, Code of				
48	Virginia.				
49	G. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the				
50	general fund shall be used to pay for legal and medical examinations needed for				
51	individuals living in the community and in need of guardianship services.				
52	H.1. Out of this appropriation, \$554,975 the first year and \$554,975 the second year from				
53	the general fund shall be provided for clinical evaluations and court testimony for sexually				
54	violent predators who are being considered for release from state correctional facilities				

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1	and who will be referred to the Clinical Review Committee for psycho-sexual evaluations				
2	prior to the state seeking civil commitment				
3	2. Out of this appropriation, \$2,628,360 the first year and \$2,864,912 the second year from the				
4	general fund shall be provided for conditional release services, including treatment, and costs				
5	associated with contracting with Global Positioning System service to closely monitor the				
6	movements of individuals who are civilly committed to the sexually violent predator program				
7	but conditionally released as provided by the Department of Corrections, outlined in the				
8	Memorandum of Understanding between the two agencies and pursuant to §37.2-912 of the				
9	Code of Virginia.				
10	I. Out of this appropriation, \$146,871 the first year and \$146,871 the second year from the				
11	general fund shall be used to operate a real-time reporting system for public and private acute				
12	psychiatric beds in the Commonwealth.				
13	J. The Department of Behavioral Health and Developmental Services shall submit a report to				
14	the Governor and the Chairmen of the House Appropriations and Senate Finance Committees				
15	no later than December 1 of each year for the preceding fiscal year that provides information				
16	on the operation of Virginia's publicly-funded behavioral health and developmental services				
17	system. The report shall include a brief narrative and data on the numbers of individuals				
18	receiving state facility services or CSB services, including purchased inpatient psychiatric				
19	services, the types and amounts of services received by these individuals, and CSB and state				
20	facility service capacities, staffing, revenues, and expenditures. The annual report also shall				
21	describe major new initiatives implemented during the past year and shall provide information				
22	on the accomplishment of systemic outcome and performance measures during the year.				
23	K. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the				
24	general fund shall be used for a comprehensive statewide suicide prevention program. The				
25	Commissioner of the Department of Behavioral Health and Developmental Services, in				
26	collaboration with the Departments of Health, Education, Veterans Services, Aging and				
27	Rehabilitative Services, and other partners shall develop and implement a statewide program				
28	of public education, evidence-based training, health and behavioral health provider capacity-				
29	building, and related suicide prevention activity.				
30	3. The department shall convene quarterly meetings with authorized representatives, families,				
31	and service providers in Health Planning Regions I, II, III and IV to provide a mechanism to				
32	(i) promote routine collaboration between families and authorized representatives, the				
33	department, community services boards, and private providers; (ii) ensure the successful				
34	transition of training center residents to the community; and (iii) gather input on Medicaid				
35	waiver redesign to better serve individuals with intellectual and developmental disability.				
36	4. In the event that provider capacity cannot meet the needs of individuals transitioning from				
37	training centers to the community, the department shall work with community services boards				
38	and private providers to explore the feasibility of developing (i) a limited number of small				
39	community group homes or intermediate care facilities to meet the needs of residents				
40	transitioning to the community, and/or (ii) a regional support center to provide specialty				
41	services to individuals with intellectual and developmental disabilities whose medical, dental,				
42	rehabilitative or other special needs cannot be met by community providers. The				
43	Commissioner shall report on these efforts to the House Appropriations and Senate Finance				
44	Committees as part of the quarterly report, pursuant to paragraph L.1.				
45	M. The Department of Behavioral Health and Developmental Services in collaboration with				
46	the Department of Medical Assistance Services shall provide a detailed report for each fiscal				
47	year on the budget, expenditures, and number of recipients for each specific intellectual				
48	disability (ID) and developmental disability (DD) service provided through the Medicaid				
49	program or other programs in the Department of Behavioral Health and Developmental				
50	Services. This report shall also include the overall budget and expenditures for the ID, DD				
51	and Day Support waivers separately. The Department of Medical Assistance Services shall				
52	provide the necessary information to the Department of Behavioral Health and Developmental				
53	Services 90 days after the end of each fiscal year. This information shall be published on the				
54	Department of Behavioral Health and Developmental Services' website within 120 days after				
55	the end of each fiscal year.				
56	N. Effective July 1, 2015, the Department of Behavioral Health and Developmental Services				

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1	shall not charge any fee to Community Services Boards or private providers for use of the				
2	knowledge center, an on-line training system.				
3	O. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from				
4	the general fund shall be used to provide mental health first aid training and certification				
5	to recognize and respond to mental or emotional distress. Funding shall be used to cover				
6	the cost of personnel dedicated to this activity, training, manuals, and certification for all				
7	those receiving the training.				
8	P. Out of this appropriation, \$752,170 the first year and \$752,170 the second year from the				
9	general fund is provided to establish community support teams responsible for the				
10	development and oversight of a continuum of integrated community settings for				
11	individuals leaving state hospitals.				
12	Q. The Department of Behavioral Health and Developmental Services and the Department				
13	of Medical Assistance Services shall recognize Certified Employment Support				
14	Professional (CESP) and Association of Community Rehabilitation Educators (ACRE)				
15	certifications in lieu of competency requirements for supported employment staff in the				
16	developmental disability Medicaid waiver programs to allow providers that are				
17	Department of Aging and Rehabilitative Services (DARS) vendors that hold a national				
18	three-year accreditation from the National Council on Accreditation of Rehabilitation				
19	Facilities (CARF) to be deemed qualified to meet employment competency requirements.				
20	R. The Department of General Services, in cooperation with the Department of Behavioral				
21	Health and Developmental Services, shall work with James City County to identify a				
22	minimum of 10 acres on the Eastern State Hospital site for the location of a new facility				
23	for Colonial Behavioral Health, which may or may not include a joint facility with Olde				
24	Towne Medical Center. The subject acres shall be transferred to James City County upon				
25	such terms and conditions as may be agreed to by the parties.				
26	S.1. The Department of Behavioral Health and Developmental Services for each fiscal				
27	year shall report the number of waiver slots, by waiver, that becomes available for				
28	reallocation during the year. In addition, the department shall report on the allocation of				
29	emergency waiver slots and reserve slots, which shall include how many slots were				
30	allocated in the year and for which waiver. The information on reserve slots shall indicate				
31	for which waiver the reserve slot was used and the waiver from which the individual				
32	moved that was granted the slot. Furthermore, the report shall show the allocations by				
33	each Community Services Board from new waiver slots, emergency slots and reserve slots				
34	for the year. The department shall submit this report for the prior fiscal year, ending June				
35	30, by September 1 of each year.				
36	2. The department shall report within 30 days after the close of each quarter, the number				
37	of new slots for the fiscal year that have been allocated by Community Services and of				
38	those how many are accessing services. The report shall be provided on the department's				
39	website.				
40	T.1. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the				
41	general fund is provided for compensation to individuals who were involuntarily sterilized				
42	pursuant to the Virginia Eugenical Sterilization Act and who were living as of February 1,				
43	2015. Any funds that are appropriated but remain unspent at the end of the fiscal year shall				
44	be carried forward into the subsequent fiscal year in order to provide compensation to				
45	individuals who qualify for compensation.				
46	2. A claim may be submitted on behalf of an individual by a person lawfully authorized to				
47	act on the individual's behalf. A claim may be submitted by the estate of or personal				
48	representative of an individual who died on or after February 1, 2015.				
49	3. Reimbursement shall be contingent on the individual or their representative providing				
50	appropriate documentation and information to certify the claim under guidelines				
51	established by the department.				
52	4. Reimbursement per verified claim shall be \$25,000 and shall be contingent on funding				
53	being available, with disbursements being prioritized based on the date at which sufficient				
54	documentation is provided.				

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1	5. Should the funding provided in the paragraph be exhausted prior to the end of the fiscal				
2	year, the department may use available special fund revenue balances to provide				
3	compensation. The department shall report to the Governor and the Chairmen of the House				
4	Appropriations and Senate Finance Committees on a quarterly basis on the number of				
5	additional individuals who have applied.				
6	U. The Department of Behavioral Health and Development Services and the Department of				
7	Medical Assistance Services shall not implement the proposed individualized supports budget				
8	process for the Medicaid Community Living, Family and Individual Support and Building				
9	Independence Waiver programs without the explicit authorization of the General Assembly				
10	through legislation or authorizing budget language.				
11	V. The Department of Behavioral Health and Developmental Services shall report on the				
12	allocation and funding for Programs of Assertive Community Treatment (PACT) in the				
13	Commonwealth. The report shall include information on the cost of each team, the cost per				
14	individual served and the cost effectiveness of each PACT in diverting individuals from state				
15	and local hospitalization and stabilizing individuals in the community. The department shall				
16	provide the report to the Chairmen of the House Appropriations and Senate Finance				
17	Committees by November 1, of each year.				
18	W. The Department of Behavioral Health and Developmental Services shall work with the				
19	Fairfax-Falls Church Community Services Board, and the provider, to ensure that future				
20	openings for the Miller House in Falls Church allow residents of Falls Church, that have been				
21	allocated a developmental disability waiver slot, be given first choice in the Miller House, if				
22	the group home is appropriate to meet their needs. In addition, the department shall work with				
23	the Community Services Board and the City of Falls Church to explore options for				
24	establishing a special allocation within the Community Services Board allocation of waiver				
25	slots for Falls Church residents who are on the Priority One waiting list and could live in the				
26	Miller House when future openings occur in the group home.				
27	X. The Department of Behavioral Health and Developmental Services shall lease 25 acres of				
28	land at Eastern State Hospital to Hope Family Village Corporation for one dollar for the				
29	development of a village of residence and common areas to create a culture of self-care and				
30	neighborly support for families and their loved ones impacted by serious mental illness. The				
31	department shall work with the Hope Family Village Corporation to identify a 25 acre plot of				
32	land that is suitable for the project.				
33	Y. The Department of Behavioral Health and Developmental Services shall report a detailed				
34	accounting, annually, of the agency's organization and operations. This report shall include an				
35	organizational chart that shows all full- and part-time positions (by job title) employed by the				
36	agency as well as the current management structure and unit responsibilities. The report shall				
37	also provide a summary of organization changes implemented over the previous year. The				
38	report shall be made available on the department's website by August 15, of each year.				
39	Z.1. A joint subcommittee of the House Appropriations and Senate Finance Committees, in				
40	collaboration with the Secretary of Health and Human Resources and the Department of				
41	Behavioral Health and Developmental Services, shall continue to monitor and review the				
42	status of the closure of Central Virginia Training Center. As part of this review process the				
43	joint subcommittee may evaluate options for those individuals in any remaining training				
44	centers with the most intensive medical and behavioral needs to determine the appropriate				
45	types of facility or residential settings necessary to ensure the care and safety of those				
46	residents is appropriately factored into the overall plan to transition to a more community-				
47	based system. In addition, the joint subcommittee may review any plans for the redesign of				
48	the Intellectual Disability, Developmental Disability and Day Support Waivers.				
49	2. To assist the joint subcommittee, the Department of Behavioral Health and Developmental				
50	Services shall provide a quarterly accounting of the costs to operate and maintain any				
51	remaining training centers at a level of detail as determined by the joint subcommittee. The				
52	quarterly reports for the first, second and third quarter shall be due to the joint subcommittee				
53	20 days after the close of the quarter. The fourth quarter report shall be due on August 15 of				
54	each year.				
55	AA. Notwithstanding the provisions of the Acts of Assembly, Chapter 610, of the 2019				
56	Session or any other provision of law, the Department of General Services is hereby				

ITEM 320.		Item Details(\$)		Appropriations(\$)	
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1	authorized to sell, pursuant to § 2.2-1156 , certain real property in Carroll County outside				
2	the town of Hillsville on which the former Southwestern Virginia Training Center was				
3	situated, subject to the following conditions: (1) the sale price shall be, at a minimum, an				
4	amount sufficient to fully cover any debt or other financial obligations currently on the				
5	property; (2) the purchaser shall be responsible for all transactional expenses associated				
6	with the transfer of the property; and (3) the sale shall be made to a health care company				
7	that agrees to use the property for the provision of health care services for a minimum of				
8	five years established through a deed restriction.				
9	BB. Included in this item is \$150,000 the first year and \$150,000 the second year from the				
10	general fund to support substance abuse treatment utilizing appropriate, long-acting,				
11	injectable prescription drug treatment regimens ("treatment") used in conjunction with				
12	drug treatment court programs. Such treatment may be utilized in approved drug treatment				
13	court programs. In allocating such funding, the department shall consider the rate of				
14	fatalities within the locality, whether a drug treatment court program is available and				
15	whether such program utilizes medication-assisted treatment. The drug treatment court				
16	programs utilizing this funding shall use these resources to support provider fees,				
17	counseling and patient monitoring for participants, and medication to participants in which				
18	the costs of treatment services would not otherwise be covered. The Department of				
19	Behavioral Health and Developmental Services shall submit a report to the Chairs of the				
20	House Appropriations and Senate Finance and Appropriations Committees no later than				
21	December 1 of each year for the preceding fiscal year that provides information on the				
22	number of participants, the number of drug courts that utilized the funding and the number				
23	of treatments administered. Any adult drug treatment court that accesses this funding shall				
24	provide all necessary information to the Department of Behavioral Health and				
25	Developmental Services to prepare this report.				
26	CC.1. Out of this appropriation, \$3,750,000 the first year and \$7,500,000 the second year				
27	from the general fund is provided for the Department of Behavioral Health and				
28	Developmental Services (DBHDS) to pursue alternative inpatient options to state				
29	behavioral health hospital care or to increase capacity in the community for patients on the				
30	Extraordinary Barriers List through the establishment of two-year pilot projects that will				
31	reduce census pressures on state hospitals. Proposals shall be evaluated on: (i) the				
32	expected impact on state hospital bed use, including the impact on the extraordinary				
33	barrier list; (ii) the speed by which the project can become operational; (iii) the start-up				
34	and ongoing costs of the project; (iv) the sustainability of the project without the use of				
35	ongoing general funds; (v) the alignment between the project target population and the				
36	population currently being admitted to state hospitals; and (vi) the applicant's history of				
37	success in meeting the needs of the target population. No project shall be allocated more				
38	than \$2.5 million each year. Projects may include public-private partnerships, to include				
39	contracts with private entities. The department shall give preference to projects that serve				
40	individuals who would otherwise be admitted to a state hospital operated by DBHDS, that				
41	can be rapidly implemented, and provide the best long-term outcomes for patients.				
42	Consideration may be given to regional projects addressing comprehensive psychiatric				
43	emergency services, complex medical and neuro-developmental needs of children and				
44	adolescents receiving inpatient behavioral health services, and addressing complex				
45	medical needs of adults receiving inpatient behavioral health services. Any unexpended				
46	balance in this appropriation on June 30, 2021, shall be reappropriated for this purpose in				
47	the next fiscal year to fund project costs.				
48	2. The department shall report quarterly on projects awarded with details on each project				
49	and its projected impact on the state behavioral health hospital census. The report shall be				
50	submitted to the Chairs of House Appropriations and Senate Finance and Appropriations				
51	Committees no later than 30 days after each quarter ends.				
52	3. Notwithstanding any other provision of law, the contracts DBHDS enters into pursuant				
53	to paragraph AA.1. shall be exempt from competition as otherwise required by the				
54	Virginia Public Procurement Act (§§ 2.2-4300 through 2.2-4377 , Code of Virginia).				
55	DD. The Department of Behavioral Health and Developmental Services, in collaboration				
56	with the Department of General Services, shall establish a workgroup to inventory the				
57	department's vacant and surplus properties and buildings and develop a plan for the				
58	potential disposition of those properties. The plan shall include various cost options for the				

ITEM 320.		Item Details(\$)		Appropriations(\$)	
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1	demolition of buildings, environmental remediation, options to fund bond defeasance costs, or				
2	other costs necessary to prepare the property to be sold or utilized for a different purpose. The				
3	workgroup shall initially focus on the Central Virginia Training Center in Madison Heights,				
4	vacant buildings at the Southwestern Virginia Mental Health Institute in Marion, and the				
5	previous Southern Virginia Training Center in Petersburg. The department shall submit the				
6	plan by November 15, 2020 to the Chairs of the House Appropriations and Senate Finance				
7	and Appropriations Committees.				
8	EE. The Department of Behavioral Health and Developmental Services shall conduct a review				
9	of the Commonwealth's Sexually Violent Predator Program to examine programmatic and				
10	community options that could reduce the number of individuals that are committed to the				
11	Virginia Center for Behavioral Health. The department shall report on these options to the				
12	Chairs of the House Appropriations and Senate Finance and Appropriations Committees by				
13	October 1, 2020.				
14	FF. The Department of Behavioral Health and Developmental Services shall develop a plan to				
15	convert Crisis Intervention Team Assessment Centers (CITACs) to 24-hour, seven-day				
16	operations and moving toward regional CITAC sites. This plan shall include the costs and				
17	recommended areas of the Commonwealth for at least three assessment centers in fiscal year				
18	2022. The department shall submit the plan to the Chairs of the House Appropriations and				
19	Senate Finance and Appropriations Committees by October 1, 2020.				
20	GG. The Department of Behavioral Health and Developmental Services is authorized to				
21	collaborate with the Children's Hospital of the King's Daughters (CHKD) to develop a				
22	memorandum of understanding (MOU) for dedicating a portion of the future bed capacity of a				
23	60-bed mental health hospital at CHKD for use in providing treatment services to children or				
24	adolescents that may otherwise be admitted to the Commonwealth Center for Children and				
25	Adolescents (CCCA). The MOU should detail the priority populations that would be best				
26	served at CHKD and that assists the Commonwealth in reducing census pressure on CCCA.				
27	As part of the MOU the department and CHKD shall develop an estimated financial				
28	contribution for the potential benefit of such an arrangement to the Commonwealth. The				
29	department shall report on the details of the MOU to the Governor and the Chairs of the				
30	House Appropriations and Senate Finance and Appropriations Committees by November 1,				
31	2020.				
32	HH. Out of this appropriation, \$940,000 the first year and \$940,000 the second year from the				
33	general fund shall be provided to Commonwealth Autism Services to assist in coordination of				
34	services for people with developmental disabilities in regards to autism assessments and				
35	services in Virginia.				
36	II. The Department of Behavioral Health and Developmental Services shall continue the				
37	Temporary Detention Order Evaluator Workgroup established pursuant to Chapters 918 and				
38	919 of the 2020 Acts of Assembly. The workgroup shall report its implementation plan to the				
39	Governor, and Chairs of the House Health, Welfare, and Institutions Committee, the Senate				
40	Education and Health Committee, and the Joint Subcommittee to Study Mental Health				
41	Services in the Commonwealth in the 21st Century by December 1, 2021.				
42	JJ. The Department of Behavioral Health and Developmental Services shall establish a				
43	workgroup to review the current processes and barriers to sharing relevant patient information				
44	between community hospitals and Community Services Boards for shared patients subject to				
45	an Emergency Custody Order and under evaluation for a Temporary Detention Order. The				
46	department shall report its findings and recommendations to the Joint Subcommittee to Study				
47	Mental Health Services in the Commonwealth in the 21st Century by December 1, 2021.				
48	KK. The Department of Behavioral Health and Developmental Services shall preserve				
49	historic microfiche records at Central State Hospital and work with interested partners to				
50	digitize such records to be added to the Central State Hospital Digital Library and Archives				
51	Project in order to make such information publicly available to researchers or other interested				
52	parties.				
53	LL. The Department of Behavioral Health and Developmental Services, in collaboration with				
54	the Virginia Treatment Center for Children (VTCC), shall examine and develop strategies to				
55	better utilize VTCC in assisting with relief for the census pressures on the Commonwealth				
56	Center for Children and Adolescents (CCCA). The strategies to be examined shall include,				

ITEM 320.		Item Details(\$)		Appropriations(\$)	
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1	but are not limited to: (i) diversion strategies when CCCA is near capacity; (ii) increasing				
2	the number of Temporary Detention Order admissions; and (iii) operating as a step-down				
3	facility from CCCA. The department shall report its finding and recommendations to the				
4	Chairs of the House Appropriations and Senate Finance and Appropriations Committees				
5	and the the Joint Subcommittee to Study Mental Health Services in the Commonwealth in				
6	the 21st Century by November 1, 2021.				
7	MM. The Department of Behavioral Health and Developmental Services, in cooperation				
8	with the Department of Medical Assistance Services, the Medicaid managed care				
9	organizations, and the Community Services Boards/Behavioral Health Authority, shall				
10	report on current efforts to provide early psychosis intervention and coordinated specialty				
11	care for children, adolescents and young adults in need of services. The report shall				
12	include a summary of current services, funding and programmatic issues to address				
13	treatment and care of this population, as well as planned efforts and recommendations to				
14	expand and improve care for this population. The report shall be provided to the Chairs of				
15	the House Appropriations and Senate Finance and Appropriations Committees and the				
16	Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st				
17	Century by November 15, 2021.				
18	NN.1. The Department of Behavioral Health and Developmental Services (DBHDS), in				
19	coordination with the Department of Medical Assistance Services (DMAS), shall convene				
20	a workgroup with the established DBHDS Provider Issue Resolution Workgroup, VNPP,				
21	VaACCSES, VACSB, the Arc of Virginia, Community Services Boards, representatives				
22	of waiver recipients, representatives of individuals on the waiting list for a developmental				
23	disability (DD) waiver and other appropriate stakeholders to review issues with existing				
24	rates and rate methodologies for DD waiver services and make recommendations on				
25	needed changes. The department is authorized to use existing resources to contract with a				
26	vendor to conduct any additional analysis that may be useful in analyzing specific issues				
27	being considered by the workgroup. The workgroup shall specifically evaluate the rates				
28	for the Supported Living Residential waiver service to ensure appropriate utilization of				
29	that service. Any findings or recommendations shall be submitted to the Chairs of the				
30	House Appropriations and Senate Finance and Appropriations Committees by November				
31	1, 2021.				
32	2. The workgroup shall conduct an analysis of current Medicaid Developmental Disability				
33	(DD) waiver waitlists and develop plans for reducing the waitlist for individuals to access				
34	DD waiver services. The plan, along with projected costs, shall be submitted to the Chairs				
35	of the House Appropriations and Senate Finance and Appropriations Committees by				
36	November 1, 2021.				
37	321. Not set out.				
38	321.10 Not set out.				
39	Total for Department of Behavioral Health and				
40	Developmental Services.....			\$171,782,630	\$181,185,667
41					\$182,097,542
42	General Fund Positions.....	475.50	482.50		
43	Nongeneral Fund Positions.....	31.75	31.75		
44	Position Level.....	507.25	514.25		
45	Fund Sources: General.....	\$109,721,284	\$135,030,522		
46			\$135,942,397		
47	Special.....	\$21,152,603	\$15,849,121		
48	Dedicated Special Revenue.....	\$11,200,000	\$0		
49	Federal Trust.....	\$29,708,743	\$30,306,024		
50	Grants to Localities (790)				
51	322. Financial Assistance for Health Services (44500)....			\$513,713,787	\$556,815,857
52					\$558,815,857
53	Community Substance Abuse Services (44501).....	\$122,527,688	\$122,527,688		

ITEM 322.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Community Mental Health Services (44506).....	\$292,129,083	\$332,606,513		
2			\$334,606,513		
3	Community Developmental Disability Services				
4	(44507).....	\$99,057,016	\$101,681,656		
5	Fund Sources: General.....	\$419,913,787	\$466,815,857		
6			\$468,815,857		
7	Dedicated Special Revenue.....	\$3,800,000	\$0		
8	Federal Trust.....	\$90,000,000	\$90,000,000		
9	Authority: Title 37.2, Chapters 5 and 6; Title 2.2, Chapter 53, Code of Virginia.				
10	A. It is the intent of the General Assembly that community mental health, intellectual				
11	disability and substance abuse services are to be improved throughout the state. Funds				
12	provided in this Item shall not be used to supplant the funding effort provided by localities for				
13	services existing as of June 30, 1996.				
14	B. Further, it is the intent of the General Assembly that funds appropriated for this Item may				
15	be used by Community Services Boards to purchase, develop, lease, or otherwise obtain, in				
16	accordance with §§ 37.2-504 and 37.2-605, Code of Virginia, real property necessary to the				
17	provision of residential services funded by this Item.				
18	C. Out of the appropriation for this Item, funds are provided to Community Services Boards				
19	in an amount sufficient to reimburse the Virginia Housing Development Authority for				
20	principal and interest payments on residential projects for the mentally disabled financed by				
21	the Housing Authority.				
22	D. The Department of Behavioral Health and Developmental Services shall make payments to				
23	the Community Services Boards from this Item in twenty-four equal semimonthly				
24	installments, except for necessary budget revisions or the operational phase-in of new				
25	programs.				
26	E. Failure of a board to participate in Medicaid covered services and to meet all requirements				
27	for provider participation shall result in the termination of a like amount of state grant				
28	support.				
29	F. Community Services Boards may establish a line of credit loan for up to three months'				
30	operating expenses to assure adequate cash flow.				
31	G. Out of this appropriation \$190,000 the first year and \$190,000 the second year from the				
32	general fund shall be provided to Virginia Commonwealth University for the continued				
33	operation and expansion of the Virginia Autism Resource Center.				
34	H.1. Out of this appropriation, \$22,306,813 the first year and \$23,656,453 the second year				
35	from the general fund shall be provided for Virginia's Part C Early Intervention System for				
36	infants and toddlers with disabilities.				
37	2. By November 15 of each year, the department shall report to the Chairmen of the House				
38	Appropriations and Senate Finance Committees on the (a) total revenues used to support Part				
39	C services, (b) total expenses for all Part C services, (c) total number of infants, toddlers and				
40	families served using all Part C revenues, and (d) services provided to those infants, toddlers,				
41	and families.				
42	I. Out of this appropriation \$6,148,128 the first year and \$6,148,128 the second year from the				
43	general fund shall be provided for mental health services for children and adolescents with				
44	serious emotional disturbances and related disorders, with priority placed on those children				
45	who, absent services, are at-risk for custody relinquishment, as determined by the Family and				
46	Assessment Planning Team of the locality. The Department of Behavioral Health and				
47	Developmental Services shall provide these funds to Community Services Boards through the				
48	annual Performance Contract. These funds shall be used exclusively for children and				
49	adolescents, not mandated for services under the Comprehensive Services Act for At-Risk				
50	Youth, who are identified and assessed through the Family and Assessment Planning Teams				
51	and approved by the Community Policy and Management Teams of the localities. The				
52	department shall provide these funds to the Community Services Boards based on an				
53	individualized plan of care methodology.				

ITEM 322.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	J. The Commissioner, Department of Behavioral Health and Developmental Services shall				
2	allocate \$1,000,000 the first year and \$1,000,000 the second year from the federal				
3	Community Mental Health Services Block Grant for two specialized geriatric mental				
4	health services programs. One program shall be located in Health Planning Region II and				
5	one shall be located in Health Planning Region V. The programs shall serve elderly				
6	populations with mental illness who are transitioning from state mental health geriatric				
7	units to the community or who are at risk of admission to state mental health geriatric				
8	units. The commissioner is authorized to reduce the allocation in each year in an amount				
9	proportionate to any reduction in the federal Community Mental Health Services Block				
10	Grant funds awarded to the Commonwealth.				
11	K. The Commissioner, Department of Behavioral Health and Developmental Services				
12	shall allocate \$750,000 the first year and \$750,000 the second year from the federal				
13	Community Mental Health Services Block Grant for consumer-directed programs offering				
14	specialized mental health services that promote wellness, recovery and improved self-				
15	management. The commissioner is authorized to reduce the allocation in each year in an				
16	amount proportionate to any reduction in the federal Community Mental Health Services				
17	Block Grant funds awarded to the Commonwealth.				
18	L. Out of this appropriation, \$2,197,050 the first year and \$2,197,050 the second year				
19	from the general fund shall be used for jail diversion and reentry services. Funds shall be				
20	distributed to community-based contractors based on need and community preparedness				
21	as determined by the commissioner.				
22	M. Out of this appropriation, \$2,400,000 the first year and \$2,400,000 the second year				
23	from the general fund shall be used for treatment and support services for substance use				
24	disorders, including individuals with acquired brain injury and co-occurring substance use				
25	disorders. Funded services shall focus on recovery models and the use of best practices.				
26	N. Out of this appropriation, \$2,780,645 the first year and \$2,780,645 the second year				
27	from the general fund shall be used to provide outpatient clinician services to children				
28	with mental health needs. Each Community Services Board shall receive funding as				
29	determined by the commissioner to increase the availability of specialized mental health				
30	services for children. The department shall require that each Community Services Board				
31	receiving these funds agree to cooperate with Court Service Units in their catchment areas				
32	to provide services to mandated and nonmandated children, in their communities, who				
33	have been brought before Juvenile and Domestic Relations Courts and for whom				
34	treatment services are needed to reduce the risk these children pose to themselves and				
35	their communities or who have been referred for services through family assessment and				
36	planning teams through the Comprehensive Services Act for At-Risk Youth and Families.				
37	O. Out of this appropriation, \$17,701,997 the first year and \$17,701,997 the second year				
38	from the general fund shall be used to provide emergency services, crisis stabilization				
39	services, case management, and inpatient and outpatient mental health services for				
40	individuals who are in need of emergency mental health services or who meet the criteria				
41	for mental health treatment set forth pursuant to §§ 19.2-169.6 , 19.2-176 , 19.2-177.1 ,				
42	37.2-808 , 37.2-809 , 37.2-813 , 37.2-815 , 37.2-816 , 37.2-817 and 53.1-40.2 of the Code of				
43	Virginia. Funding provided in this item also shall be used to offset the fiscal impact of (i)				
44	establishing and providing mandatory outpatient treatment, pursuant to House Bill 499				
45	and Senate Bill 246, 2008 Session of General Assembly; and (ii) attendance at involuntary				
46	commitment hearings by community services board staff who have completed the				
47	prescreening report, pursuant to §§ 19.2-169.6 , 19.2-176 , 19.2-177.1 , 37.2-808 , 37.2-809 ,				
48	37.2-813 , 37.2-815 , 37.2-816 , 37.2-817 and 53.1-40.2 of the Code of Virginia.				
49	P. Out of this appropriation, \$10,475,000 the first year and \$10,475,000 the second year				
50	from the general fund shall be used to provide community crisis intervention services in				
51	each region for individuals with intellectual or developmental disabilities and co-occurring				
52	mental health or behavioral disorders.				
53	Q. Out of this appropriation, \$1,900,000 the first year and \$1,900,000 the second year				
54	from the general fund shall be used for community-based services in Health Planning				
55	Region V. These funds shall be used for services intended to delay or deter placement, or				
56	provide discharge assistance for patients in a state mental health facility.				

ITEM 322.		Item Details(\$)		Appropriations(\$)	
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1	R. Out of this appropriation, \$2,000,000 the first year and \$2,000,000 the second year from				
2	the general fund shall be used for crisis stabilization and related services statewide intended to				
3	delay or deter placement in a state mental health facility.				
4	S. Out of this appropriation, \$8,400,000 the first year and \$8,400,000 the second year from				
5	the general fund shall be used to provide child psychiatry and children's crisis response				
6	services for children with mental health and behavioral disorders. These funds, divided among				
7	the health planning regions based on the current availability of the services, shall be used to				
8	hire or contract with child psychiatrists who can provide direct clinical services, including				
9	crisis response services, as well as training and consultation with other children's health care				
10	providers in the health planning region such as general practitioners, pediatricians, nurse				
11	practitioners, and community service boards staff, to increase their expertise in the prevention,				
12	diagnosis, and treatment of children with mental health disorders. Funds may also be used to				
13	create new or enhance existing community-based crisis response services in a health planning				
14	region, including mobile crisis teams and crisis stabilization services, with the goal of				
15	diverting children from inpatient psychiatric hospitalization to less restrictive services in or				
16	near their communities. The Department of Behavioral Health and Developmental Services				
17	shall include details on the use of these funds in its annual report on the System				
18	Transformation, Excellence and Performance in Virginia (STEP-VA) process.				
19	T.1. Out of this appropriation, \$10,500,000 the first year and \$10,500,000 the second year				
20	from the general fund shall be used for up to 32 drop-off centers to provide an alternative to				
21	incarceration for people with serious mental illness and individuals with acquired brain injury				
22	and co-occurring serious mental health illness. Priority for new funding shall be given to				
23	programs that have implemented Crisis Intervention Teams pursuant to § 9.1-102 and § 9.1-				
24	187 et seq. of the Code of Virginia and have undergone planning to implement drop-off				
25	centers.				
26	2. Out of this appropriation, \$1,800,000 the first year and \$1,800,000 the second year from the				
27	general fund is provided for Crisis Intervention assessment centers in six unserved rural				
28	communities.				
29	3. Out of this appropriation, \$657,648 the first year and \$657,648 the second year from the				
30	general fund is provided to support CIT initiatives, including basic and advanced CIT training				
31	and law enforcement diversion, through one-time awards for advanced concepts in CIT				
32	Assessment Site programs. The department shall prioritize programs serving rural				
33	communities when determining the distribution of these funds.				
34	U. Out of this appropriation, \$2,750,000 the first year and \$2,750,000 the second year from				
35	the general fund shall be for crisis services for children with intellectual or developmental				
36	disabilities.				
37	V. Out of this appropriation, \$35,500,441 the first year and \$35,500,411 the second year from				
38	the general fund shall be used to provide community-based services or acute inpatient services				
39	in a private facility to individuals residing in state hospitals who have been determined				
40	clinically ready for discharge, and for continued services for those individuals currently being				
41	served under a discharge assistance plan. Of this appropriation, \$1,305,000 the first year and				
42	\$1,305,000 the second year shall be allocated for individuals currently or previously residing				
43	at Western State Hospital.				
44	W. Out of this appropriation, \$620,000 the first year and \$620,000 the second year from the				
45	general fund shall be used for telepsychiatry and telemedicine services.				
46	X. Out of this appropriation, \$4,000,000 the first year and \$4,000,000 the second year from				
47	the general fund shall be used for community-based mental health outpatient services for				
48	youth and young adults.				
49	Y. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the				
50	general fund shall be used to increase mental health inpatient treatment purchased in				
51	community hospitals. Priority shall be given to regions that exhaust available resources before				
52	the end of the year in order to ensure treatment is provided in the community and do not result				
53	in more restrictive placements.				
54	Z.1. Out of this appropriation, \$20,083,710 the first year and \$34,038,710 the second year				

ITEM 322.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	from the general fund is provided for programs for permanent supportive housing for				
2	individuals with serious mental illness.				
3	2. The Department of Behavioral Health and Developmental Services shall report on the				
4	number of individuals who are discharged from state behavioral health hospitals who				
5	receive supportive housing services, the number of individuals who are on the hospitals'				
6	extraordinary barrier list who could receive supportive housing services, and the number				
7	of individuals in the community who receive supportive housing services and whether				
8	they are at risk of institutionalization. In addition, the department shall report on the				
9	average length of stay in permanent supportive housing for individuals receiving such				
10	services and report how the funding is reinvested when individuals discontinue receiving				
11	such services. The report shall be provided to the Chairmen of the House Appropriations				
12	and Senate Finance Committee by November 1 of each year.				
13	AA. Out of this appropriation, \$400,000 the first year and \$400,000 the second year is				
14	provided for rental subsidies and associated costs for individuals served through the				
15	Rental Choice VA program.				
16	BB. Out of this appropriation, \$7,897,833 the first year from the general fund and				
17	\$3,800,000 the first year from the Behavioral Health and Developmental Services Trust				
18	Fund and \$13,062,833 the second year from the general fund shall be used for a program				
19	of rental subsidies for individuals with intellectual and developmental disabilities.				
20	CC. Out of this appropriation, \$5,000,000 the first year and \$5,000,000 the second year				
21	from the general fund is provided to increase access to medication assisted treatment for				
22	individuals with substance use disorders who are addicted to opioids. In expending this				
23	amount, the department shall ensure that a portion of the funding received by the				
24	Community Services Board or Behavioral Health Authority is used for appropriate long-				
25	acting, injectable prescription drug treatment regimens for individuals who are in need of				
26	medication assisted treatment while (i) on probation, (ii) incarcerated, or (iii) upon their				
27	release to the community. The department shall ensure that a portion of the funding				
28	received by the Community Service Board or Behavioral Health Authority is used for				
29	non-narcotic, non-addictive prescription drug treatment regimens for individuals who are				
30	not able for clinical or other reasons to participate in buprenorphine or methadone based				
31	drug treatment regimens. In expending the funding, Community Services Boards or a				
32	Behavioral Health Authority shall also prioritize the use of such funds for individuals who				
33	are not covered by insurance.				
34	DD. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year				
35	from the general fund is provided for community detoxification and sobriety services for				
36	individuals in crisis.				
37	EE. Out of this appropriation, \$880,000 the first year and \$880,000 the second year from				
38	the general fund is provided for one regional, multi-disciplinary team for older adults. This				
39	team shall provide clinical, medical, nursing, and behavioral expertise and psychiatric				
40	services to nursing facilities and assisted living facilities.				
41	FF. Out of this appropriation, \$1,652,400 the first year and \$1,652,400 the second year				
42	from the general fund shall be used to provide permanent supportive housing to pregnant				
43	or parenting women with substance use disorders.				
44	GG. Out of this appropriation, \$11,025,231 the first year and \$2,250,447 the second year				
45	from the general fund shall be used to divert admissions from state hospitals by				
46	purchasing acute inpatient or community-based psychiatric services at private facilities.				
47	HH. Out of this appropriation, \$1,600,000 the first year and \$3,700,800 the second year				
48	from the general fund is provided for discharge planning at jails for individuals with				
49	serious mental illness. Funding shall be used to create staff positions in Community				
50	Services Boards and will be implemented at up to five jails with a high percentage of				
51	inmates with serious mental illness.				
52	II. Out of this appropriation, \$708,663 the first year and \$708,663 the second year from				
53	the general fund is provided to establish an Intercept 2 diversion program in up to three				
54	rural communities. The funding shall be used for staffing and to provide access to				

ITEM 322.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	treatment services.				
2	JJ. Out of this appropriation, \$1,100,000 the first year and \$1,100,000 the second year from				
3	the general fund is provided to establish the Appalachian Telemental Health Initiative, a				
4	telemental health pilot program. Any funds that remain unspent at the end of each fiscal year				
5	shall be carried forward to the subsequent fiscal year.				
6	KK. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the				
7	general fund shall be provided to the Department of Behavioral Health and Developmental				
8	Services to contract with Best Buddies Virginia to expand inclusion services for people with				
9	intellectual and developmental disabilities to the Richmond and Virginia Beach areas of the				
10	state.				
11	LL. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the				
12	general fund is provided to the Fairfax-Falls Church Community Services Board to fully fund				
13	its Program of Assertive Community Treatment (PACT) Team.				
14	MM.1. Out of this appropriation, \$43,035,651 the first year and \$73,222,045 the second year				
15	from the general fund is provided for services by Community Services Boards and Behavioral				
16	Health Authorities pursuant to the System Transformation, Excellence and Performance in				
17	Virginia (STEP-VA) process and Chapters 607 and 683, 2017 Acts of Assembly.				
18	2. Of the amounts in MM.1., \$10,795,651 the first year and \$10,795,651 the second year from				
19	the general fund is provided for same day access to mental health screening services.				
20	3. Of the amounts in MM.1., \$7,440,000 the first year and \$7,440,000 the second year from				
21	the general fund is provided for primary care outpatient screening services.				
22	4. Of the amounts in MM.1., \$15,000,000 the first year and \$21,924,980 the second year from				
23	the general fund is provided for outpatient mental health and substance use services.				
24	5. Out of the amounts in MM.1., \$2,000,000 the first year and \$2,000,000 the second year				
25	from the general fund is provided for crisis detoxification services.				
26	6. Out of the amounts in MM.1., \$7,800,000 the first year and \$13,954,924 the second year				
27	from the general fund is provided for crisis services for individuals with mental health or				
28	substance use disorders.				
29	7. Out of the amounts in MM.1., \$3,840,490 the second year from the general fund is				
30	provided for military and veterans services.				
31	8. Out of the amounts in MM.1., \$5,334,000 the second year from the general fund is				
32	provided for peer support and family services.				
33	9. Out of the amounts in MM.1., and \$3,200,000 the second year from the general fund is				
34	provided for the ancillary costs of expanding services at Community Services Boards and				
35	Behavioral Health Authorities.				
36	10. Out of the amounts in MM.1., \$4,732,000 the second year from the general fund is				
37	provided for the costs of crisis call center dispatch staff.				
38	11. Notwithstanding the provisions of Chapters 607 and 683, 2017 Acts of Assembly,				
39	effective July 1, 2021, the core of services provided by Community Services Boards and				
40	Behavioral Health Authorities within cities and counties that they serve shall include, in				
41	addition to those set forth in subdivisions B 1, 2, and 3 of § 37.2-500 of the Code of Virginia				
42	and subdivisions C 1, 2, and 3 of § 37.2-601 of the Code of Virginia, (i) outpatient mental				
43	health and substance abuse services, (ii) peer support and family support services, and (iii)				
44	mental health services for members of the armed forces located 50 miles or more from a				
45	military treatment facility and veterans located 40 miles or more from a Veterans Health				
46	Administration medical facility. In addition, Community Services Boards and Behavioral				
47	Health Authorities shall continue to expand the availability of crisis services for individuals				
48	with mental health or substance use disorders, as funded in MM.6. of this Item and Items 313				
49	and 320 of this Act. Psychiatric rehabilitation, care coordination, and case management				
50	services shall not be required services but may be provided subject to available funding.				
51	OO. Out of this appropriation, \$3,000,000 the second year from the general fund shall be				

ITEM 322.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	provided to establish one mental health awareness response and community understanding				
2	services alert system programs and community care teams in each of the Department of				
3	Behavioral Health and Developmental Services' regions pursuant to legislation adopted in				
4	the 2020 Special Session I of the General Assembly. Each region shall receive \$600,000				
5	for this purpose.				
6	PP. The Department of Behavioral Health and Developmental Services is authorized to				
7	collaborate with the Chesapeake Regional Healthcare to develop a memorandum of				
8	understanding (MOU) for dedicating a portion of the future bed capacity of a 20-bed				
9	psychiatric unit at the hospital for use in providing treatment services to individuals that				
10	may otherwise be admitted to a state behavioral health hospital. The MOU should detail				
11	the priority populations that would be best served at Chesapeake Regional Healthcare and				
12	that assists the Commonwealth in reducing census pressure on state behavioral health				
13	hospitals. As part of the MOU the department and Chesapeake Regional Healthcare shall				
14	develop an estimated financial contribution for the potential benefit of such an				
15	arrangement to the Commonwealth. The department shall report on the details of the				
16	MOU to the Governor and the Chairs of the House Appropriations and Senate Finance and				
17	Appropriations Committees by November 1, 2021.				
18	322.10 Not set out.				
19	Total for Grants to Localities.....			\$513,713,787	\$556,815,857
20					\$558,815,857
21	Fund Sources: General.....	\$419,913,787	\$466,815,857		
22			\$468,815,857		
23	Dedicated Special Revenue.....	\$3,800,000	\$0		
24	Federal Trust.....	\$90,000,000	\$90,000,000		
25	Mental Health Treatment Centers (792)				
26	323. Not set out.				
27	324. Not set out.				
28	325. Pharmacy Services (42100).....			\$21,474,408	\$21,474,408
29					\$22,016,194
30	Inpatient Pharmacy Services (42102).....	\$21,474,408	\$21,474,408		
31			\$22,016,194		
32	Fund Sources: General.....	\$9,043,318	\$9,043,318		
33			\$9,585,104		
34	Special.....	\$12,431,090	\$12,431,090		
35	Authority: Title 37.2, Chapter 8, Code of Virginia.				
36	326. State Health Services (43000).....			\$285,852,185	\$283,280,002
37					\$296,538,302
38	Geriatric Care Services (43006).....	\$50,166,890	\$50,166,890		
39	Inpatient Medical Services (43007).....	\$18,344,732	\$18,344,732		
40	State Mental Health Facility Services (43014).....	\$217,340,563	\$214,768,380		
41			\$228,026,680		
42	Fund Sources: General.....	\$254,897,946	\$257,325,763		
43			\$270,584,063		
44	Special.....	\$30,954,239	\$25,954,239		
45	Authority: Title 37.2, Chapters 1 through 11, Code of Virginia.				
46	A. Out of this appropriation, \$700,000 the first year and \$700,000 the second year from				
47	the general fund shall be used to continue operating up to 13 beds at Northern Virginia				
48	Mental Health Institute (NVMHI) that had been scheduled for closure in fiscal year 2013.				
49	The Commissioner of the Department of Behavioral Health and Developmental Services				
50	shall ensure continued operation of at least 123 beds.				

ITEM 326.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	B. The Department of Behavioral Health and Developmental Services shall report by				
2	November 1 of each year to the Secretary of Finance and the Chairmen of the House				
3	Appropriations and Senate Finance and Appropriations Committees on the number of				
4	individuals served through discharge assistance plans and the types of services provided.				
5	C. Out of this appropriation, \$850,000 the first year and \$850,000 the second year from the				
6	general fund shall be used to provide transition services in alternate settings for children and				
7	adolescents who can be diverted or discharged from state facilities.				
8	D. Out of this appropriation, \$5,000,000 the first year from special funds is provided for the				
9	temporary operation of beds at Catawba Hospital until such time as the additional beds are no				
10	longer needed.				
11	E. Out of this appropriation, \$2,142,601 the first year and \$4,282,202 the second year from				
12	nongeneral funds is provided for the surveillance and testing costs of residents and staff in				
13	order to avoid and manage COVID-19 outbreaks at state facilities. The department shall				
14	coordinate with the Virginia Department of Health (VDH) and local health districts as				
15	appropriate to coordinate its testing and surveillance activities in order to access federal ELC				
16	Enhancing Detection Expansion grant funding provided to VDH through the Centers for				
17	Disease Control. The Department of Behavioral Health and Developmental Services shall				
18	report quarterly to the Secretary of Finance and the Chairmen of the House Appropriations				
19	and Senate Finance and Appropriations Committees on the expense of these funds, including				
20	the number of tests administered.				
21	<i>F. Out of this appropriation, \$9,015,174 the second year from the general fund is provided for</i>				
22	<i>temporary staffing contracts in state facilities. The Department of Behavioral Health and</i>				
23	<i>Developmental Services shall report by June 30, 2022, to the Secretary of Finance and the</i>				
24	<i>Chairmen of the House Appropriations and Senate Finance and Appropriations Committees</i>				
25	<i>on the total expenditure of these funds, and any other funds used for staffing contracts in the</i>				
26	<i>second year.</i>				
27	327. Facility Administrative and Support Services				
28	(49800).....			\$115,728,691	\$115,558,717
29					\$120,728,717
30	General Management and Direction (49801).....	\$51,411,557	\$51,411,557		
31			\$56,581,557		
32	Information Technology Services (49802).....	\$10,511,763	\$10,341,789		
33	Food and Dietary Services (49807).....	\$14,355,702	\$14,355,702		
34	Housekeeping Services (49808).....	\$8,777,438	\$8,777,438		
35	Linen and Laundry Services (49809).....	\$1,701,815	\$1,701,815		
36	Physical Plant Services (49815).....	\$21,940,717	\$21,940,717		
37	Power Plant Operation (49817).....	\$4,236,837	\$4,236,837		
38	Training and Education Services (49825).....	\$2,792,862	\$2,792,862		
39	Fund Sources: General.....	\$100,571,337	\$100,401,363		
40			\$105,571,363		
41	Special.....	\$15,093,854	\$15,093,854		
42	Federal Trust.....	\$63,500	\$63,500		
43	Authority: § 37.2-304, Code of Virginia.				
44	A. Out of this appropriation, \$759,000 the first year and \$759,000 the second year from the				
45	general fund shall be used to ensure proper billing and maximum reimbursement for				
46	prescription drugs purchased by mental health treatment centers through the Medicare Part D				
47	drug program.				
48	B. Notwithstanding § 37.2-319 of the Code of Virginia, the Commissioner shall prepare a				
49	plan to address the capital and programmatic needs of other state mental health facilities and				
50	state mental retardation training centers when considering expenditures from the trust fund.				
51	No less than 30 days prior to the expenditure of funds, the Commissioner shall present an				
52	expenditure plan to the Chairmen of the Senate Finance and House Appropriations				
53	Committees for their review and consideration.				
54	C. Out of this appropriation, \$5,170,000 the second year from the general fund is provided				

ITEM 327.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	<i>for the costs associated with providing an emergency kitchen and temporary office space at Eastern State Hospital. These funds shall remain unallotted until expenditures are approved by the Director, Department of Planning and Budget. The Department of Behavioral Health and Developmental Services shall seek reimbursement through the state's risk management program, or any other applicable insurance, for any covered expenses. Any balances for the purposes specified in this paragraph which are unexpended on June 30, 2022 shall not revert to the general fund but shall be carried forward and reappropriated.</i>			
2				
3				
4				
5				
6				
7				
8				
9	328.	Not set out.		
10	328.10	Not set out.		
11	Total for Mental Health Treatment Centers.....		\$446,790,367	\$444,048,210
12				\$463,018,296
13	General Fund Positions.....	4,260.00	4,260.00	
14	Nongeneral Fund Positions.....	613.00	613.00	
15	Position Level.....	4,873.00	4,873.00	
16	Fund Sources: General.....	\$387,661,399	\$389,919,242	
17			\$408,889,328	
18	Special.....	\$58,928,968	\$53,928,968	
19	Federal Trust.....	\$200,000	\$200,000	
20	329.	Not set out.		
21	330.	Not set out.		
22	331.	Not set out.		
23	332.	Not set out.		
24	333.	Not set out.		
25	334.	Not set out.		
26	335.	Not set out.		
27	336.	Not set out.		
28	337.	Not set out.		
29	338.	Not set out.		
30	338.10	Not set out.		
31	Grand Total for Department of Behavioral Health			
32	and Developmental Services.....		\$1,258,843,183	\$1,291,611,775
33				\$1,313,493,736
34	General Fund Positions.....	5,635.00	5,735.00	
35	Nongeneral Fund Positions.....	1,247.75	1,247.75	
36	Position Level.....	6,882.75	6,982.75	
37	Fund Sources: General.....	\$987,032,138	\$1,054,501,289	
38			\$1,076,383,250	
39	Special.....	\$136,702,302	\$116,404,462	
40	Dedicated Special Revenue.....	\$15,000,000	\$0	
41	Federal Trust.....	\$120,108,743	\$120,706,024	

ITEM 339.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	339.	Not set out.				
2	340.	Not set out.				
3	341.	Not set out.				
4	342.	Not set out.				
5	343.	Not set out.				
6	344.	Not set out.				
7	345.	Not set out.				
8	346.	Not set out.				
9	346.10	Not set out.				
10	347.	Not set out.				
11	348.	Not set out.				
12	348.10	Not set out.				
13	§ 1-28. DEPARTMENT OF SOCIAL SERVICES (765)					
14	349.	Program Management Services (45100).....			\$53,942,409	\$51,486,088
15						\$48,512,957
16		Training and Assistance to Local Staff (45101).....	\$5,177,672	\$5,177,672		
17				\$4,958,667		
18		Central Administration and Quality Assurance for				
19		Benefit Programs (45102).....	\$18,335,051	\$16,482,116		
20				\$13,373,385		
21		Central Administration and Quality Assurance for				
22		Family Services (45103).....	\$13,575,738	\$13,614,597		
23				\$13,263,369		
24		Central Administration and Quality Assurance for				
25		Community Programs (45105).....	\$10,890,414	\$10,845,088		
26				\$12,263,373		
27		Central Administration and Quality Assurance for				
28		Child Care Activities (45107).....	\$5,963,534	\$5,366,615		
29				\$4,654,163		
30		Fund Sources: General.....	\$20,924,807	\$21,892,959		
31				\$20,460,487		
32		Special.....	\$100,000	\$100,000		
33		Dedicated Special Revenue.....	\$0	\$267,722		
34		Federal Trust.....	\$32,917,602	\$29,225,407		
35				\$27,684,748		
36		Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 2 and 21, Code of Virginia; Title VI,				
37		Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended,				
38		Federal Code.				
39		A. The Department of Social Services, in collaboration with the Office of Children's Services,				
40		shall provide training to local staff serving on Family Assessment and Planning Teams and				
41		Community Policy and Management Teams. Training shall include, but need not be limited				
42		to, the federal and state requirements pertaining to the provision of the foster care services				
43		funded under § 2.2-5211, Code of Virginia. The training shall also include written guidance				
44		concerning which services remain the financial responsibility of the local departments of				
45		social services. Training shall be provided on a regional basis at least once per year. Written				

ITEM 349.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	guidance shall be updated and provided to local Office of Children's Services teams				
2	whenever there is a change in allowable expenses under federal or state guidelines. In				
3	addition, the Department of Social Services shall provide ongoing local oversight of its				
4	federal and state requirements related to the provision of services funded under § 2.2-				
5	5211 , Code of Virginia.				
6	B.1. By November 1 of each year, the Department of Planning and Budget, in cooperation				
7	with the Department of Social Services, shall prepare and submit a forecast of				
8	expenditures for cash assistance provided through the Temporary Assistance for Needy				
9	Families (TANF) program, mandatory child day care services under TANF, foster care				
10	maintenance and adoption subsidy payments, upon which the Governor's budget				
11	recommendations will be based, for the current and subsequent two years to the Chairmen				
12	of the House Appropriations and Senate Finance Committees.				
13	2. The forecast of expenditures shall detail the incremental general fund and federal fund				
14	adjustments required by the forecast each year in the biennial budget. The Department of				
15	Planning and Budget shall convene a meeting on or before October 15 of each year with				
16	the appropriate staff from the Department of Social Services, and the House				
17	Appropriations and Senate Finance Committees to review current trends and assumptions				
18	used in the forecasts prior to their finalization.				
19	C. The Department of Social Services shall provide administrative support and technical				
20	assistance to the Family and Children's Trust Fund (FACT) Board of Trustees established				
21	in Sections 63.2-2100 through 63.2-2103 , Code of Virginia.				
22	D. Out of this appropriation, \$1,829,111 the first year and \$1,829,111 the second year				
23	from the general fund and \$1,829,111 the first year and \$1,829,111 the second year from				
24	nongeneral funds shall be provided to fund the Supplemental Nutrition Assistance				
25	Program (SNAP) Electronic Benefit Transfer (EBT) contract cost.				
26	E.1. Out of this appropriation, ten positions and the associated funding shall be dedicated				
27	to providing on-going financial oversight of foster care services. Each of the ten positions,				
28	with two working out of each regional office, shall assess and review all foster care				
29	spending to ensure that state and federal standards are met. None of these positions shall				
30	be used for quality, information technology, or clerical functions.				
31	2. By September 1 of each year, the department shall report to the Governor, the Chairmen				
32	of the House Appropriations and Senate Finance Committees, and the Director,				
33	Department of Planning and Budget regarding the foster care program's statewide				
34	spending, error rates and compliance with state and federal reviews.				
35	F. Out of this appropriation, \$187,549 the first year from the Temporary Assistance for				
36	Needy Families block grant shall be provided to manage the summer feeding pilot				
37	program, beginning June 2020 and ending August 2020.				
38	G. The Department of Social Services shall provide an annual report on the activities of				
39	the Office of New Americans by December 1 of each year.				
40	H. Out of this appropriation, \$3,560,858 the first year from the federal Temporary				
41	Assistance for Needy Families (TANF) grant shall be provided to fund a one-time food				
42	benefit payment to families with children enrolled in Head Start.				
43	I. The Department of Social Services shall not implement the Percentage of Income				
44	Payment Program (PIPP) until such time as there is adequate fee revenue from the				
45	universal service fee, collected by utility providers, available to fund the administrative				
46	costs necessary to implement the program, not to exceed \$3.0 million. Maximum				
47	allowable administrative costs are in totality and include costs borne by the Department of				
48	Housing and Community Development for PIPP administration.				
49	J. Out of this appropriation, \$54,309 the second year from the general fund and \$162,926				
50	the second year from nongeneral funds is provided to implement the Virginia Facilitated				
51	Enrollment Program.				

ITEM 350.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	350.	Financial Assistance for Self-Sufficiency Programs			
2		and Services (45200).....		\$287,564,108	\$161,677,856
3					\$155,165,798
4		Temporary Assistance for Needy Families (TANF)			
5		Cash Assistance (45201).....	\$74,788,126	\$86,367,358	
6				\$81,467,444	
7		Temporary Assistance for Needy Families (TANF)			
8		Employment Services (45212).....	\$21,657,833	\$21,657,833	
9				\$17,045,689	
10		Supplemental Nutrition Assistance Program			
11		Employment and Training (SNAPET) Services			
12		(45213).....	\$1,017,741	\$2,205,341	
13		Temporary Assistance for Needy Families (TANF)			
14		Child Care Subsidies (45214).....	\$49,112,179	\$38,707,424	
15		At-Risk Child Care Subsidies (45215).....	\$134,283,476	\$5,364,671	
16		Unemployed Parents Cash Assistance (45216).....	\$6,704,753	\$7,375,229	
17				\$10,375,229	
18		Fund Sources: General.....		\$80,654,719	\$82,018,853
19					\$85,018,853
20		Federal Trust.....	\$206,909,389	\$79,659,003	
21				\$70,146,945	
22		Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 1 through 7, Code of Virginia; Title VI,			
23		Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended,			
24		Federal Code.			
25		A. It is hereby acknowledged that as of June 30, 2019 there existed with the federal			
26		government an unexpended balance of \$151,404,869 in federal Temporary Assistance for			
27		Needy Families (TANF) block grant funds which are available to the Commonwealth of			
28		Virginia to reimburse expenditures incurred in accordance with the adopted State Plan for the			
29		TANF program. Based on projected spending levels and appropriations in this act, the			
30		Commonwealth's accumulated balance for authorized federal TANF block grant funds is			
31		estimated at \$148,126,074 on June 30, 2020; \$96,974,124 on June 30, 2021; and \$35,850,126			
32		\$79,652,390 on June 30, 2022.			
33		B. No less than 30 days prior to submitting any amendment to the federal government related			
34		to the State Plan for the Temporary Assistance for Needy Families program, the			
35		Commissioner of the Department of Social Services shall provide the Chairmen of the House			
36		Appropriations and Senate Finance and Appropriations Committees as well as the Director,			
37		Department of Planning and Budget written documentation detailing the proposed policy			
38		changes. This documentation shall include an estimate of the fiscal impact of the proposed			
39		changes and information summarizing public comment that was received on the proposed			
40		changes.			
41		C. Notwithstanding any other provision of state law, the Department of Social Services shall			
42		maintain a separate state program, as that term is defined by federal regulations governing the			
43		Temporary Assistance for Needy Families (TANF) program, 45 C.F.R. § 260.30, for the			
44		purpose of providing welfare cash assistance payments to able-bodied two-parent families.			
45		The separate state program shall be funded by state funds and operated outside of the TANF			
46		program. Able-bodied two-parent families shall not be eligible for TANF cash assistance as			
47		defined at 45 C.F.R. § 260.31 (a)(1), but shall receive benefits under the separate state			
48		program provided for in this paragraph. Although various conditions and eligibility			
49		requirements may be different under the separate state program, the basic benefit payment for			
50		which two-parent families are eligible under the separate state program shall not be less than			
51		what they would have received under TANF. The Department of Social Services shall			
52		establish regulations to govern this separate state program.			
53		D. As a condition of this appropriation, the Department of Social Services shall disregard the			
54		value of one motor vehicle per assistance unit in determining eligibility for cash assistance in			
55		the Temporary Assistance for Needy Families (TANF) program and in the separate state			
56		program for able-bodied two-parent families.			
57		E. The Department of Social Services, in collaboration with local departments of social			
58		services, shall maintain minimum performance standards for all local departments of social			

ITEM 350.		Item Details(\$)		Appropriations(\$)	
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1	services participating in the Virginia Initiative for Employment, Not Welfare (VIEW)				
2	program. The department shall allocate VIEW funds to local departments of social				
3	services based on these performance standards and VIEW caseloads. The allocation				
4	formula shall be developed and revised in cooperation with the local social services				
5	departments and the Department of Planning and Budget.				
6	F. A participant whose Temporary Assistance for Needy Families (TANF) financial				
7	assistance is terminated due to the receipt of 24 months of assistance as specified in §				
8	63.2-612 , Code of Virginia, or due to the closure of the TANF case prior to the completion				
9	of 24 months of TANF assistance, excluding cases closed with a sanction for				
10	noncompliance with the Virginia Initiative for Employment Not Welfare program, shall be				
11	eligible to receive employment and training assistance for up to 12 months after				
12	termination, if needed, in addition to other transitional services provided pursuant to §				
13	63.2-611 , Code of Virginia.				
14	G. The Department of Social Services, in conjunction with the Department of Correctional				
15	Education, shall identify and apply for federal, private and faith-based grants for pre-				
16	release parenting programs for non-custodial incarcerated parent offenders committed to				
17	the Department of Corrections, including but not limited to the following grant programs:				
18	Promoting Responsible Fatherhood and Healthy Marriages, State Child Access and				
19	Visitation Block Grant, Serious and Violent Offender Reentry Initiative Collaboration,				
20	Special Improvement Projects, § 1115 Social Security Demonstration Grants, and any new				
21	grant programs authorized under the federal Temporary Assistance for Needy Families				
22	(TANF) block grant program.				
23	H.1. Out of this appropriation, \$10,703,748 the first year and \$2,500,000 the second year				
24	from nongeneral funds is included for Head Start wraparound child care services.				
25	2. Included in this Item is funding to carry out the former responsibilities of the Virginia				
26	Council on Child Day Care and Early Childhood Programs. Nongeneral fund				
27	appropriations allocated for uses associated with the Head Start program shall not be				
28	transferred for any other use until eligible Head Start families have been fully served. Any				
29	remaining funds may be used to provide services to enrolled low-income families in				
30	accordance with federal and state requirements. Families, who are working or in education				
31	and training programs, with income at or below the poverty level, whose children are				
32	enrolled in Head Start wraparound programs paid for with the federal block grant funding				
33	in this Item shall not be required to pay fees for these wraparound services.				
34	I. Out of this appropriation, \$2,647,305 the first year and \$2,647,305 the second year from				
35	the general fund and \$72,503,762 the first year and from federal funds shall be provided to				
36	support state child care programs which will be administered on a sliding scale basis to				
37	income eligible families. The sliding fee scale and eligibility criteria are to be set				
38	according to the rules and regulations of the State Board of Social Services, except that the				
39	income eligibility thresholds for child care assistance shall account for variations in the				
40	local cost of living index by metropolitan statistical areas. The Department of Social				
41	Services shall make the necessary amendments to the Child Care and Development Funds				
42	Plan to accomplish this intent. Funds shall be targeted to families who are most in need of				
43	assistance with child care costs. Localities may exceed the standards established by the				
44	state by supplementing state funds with local funds.				
45	J. Out of this appropriation, \$600,000 the first year from nongeneral funds shall be used to				
46	provide scholarships to students in early childhood education and related majors who plan				
47	to work in the field, or already are working in the field, whether in public schools, child				
48	care or other early childhood programs, and who enroll in a state community college or a				
49	state supported senior institution of higher education.				
50	K. Out of this appropriation, \$505,000 the first year from nongeneral funds shall be used				
51	to provide training of individuals in the field of early childhood education.				
52	L. Out of this appropriation, \$300,000 the first year from nongeneral funds shall be used				
53	to provide child care assistance for children in homeless and domestic violence shelters.				
54	M. Out of this appropriation, the Department of Social Services shall use \$4,800,000 the				
55	first year and \$4,800,000 the second year from the federal Temporary Assistance to Needy				

ITEM 350.		Item Details(\$)		Appropriations(\$)	
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1	Families (TANF) block grant to provide to each TANF recipient with two or more children in				
2	the assistance unit a monthly TANF supplement equal to the amount the Division of Child				
3	Support Enforcement collects up to \$200, less the \$100 disregard passed through to such				
4	recipient. The TANF child support supplement shall be paid within two months following				
5	collection of the child support payment or payments used to determine the amount of such				
6	supplement. For purposes of determining eligibility for medical assistance services, the TANF				
7	supplement described in this paragraph shall be disregarded. In the event there are sufficient				
8	federal TANF funds to provide all other assistance required by the TANF State Plan, the				
9	Commissioner may use unobligated federal TANF block grant funds in excess of this				
10	appropriation to provide the TANF supplement described in this paragraph.				
11	N. The Board of Social Services shall combine Groups I and II for the purposes of Temporary				
12	Assistance to Needy Families cash benefits and use the Group II rates for the new group.				
13	O.1. The Department of Social Services shall increase the Temporary Assistance for Needy				
14	Families (TANF) cash benefits and income eligibility threshold by 15 percent effective July 1,				
15	2020 and 10 percent effective July 1, 2021.				
16	2. The Department of Social Services shall develop a plan to increase the standards of				
17	assistance by 10 percent annually until they equal 50 percent of the federal poverty level.				
18	P. Out of this appropriation, \$5,240,499 the first year from the Temporary Assistance for				
19	Needy Families block grant shall be provided for a one-year summer feeding program pilot.				
20	This pilot shall provide fifty dollars for each of the months of June, July, and August on a				
21	qualifying child's family electronic benefits transaction (EBT) card. The funding shall be used				
22	to purchase meals for qualifying low-income children in areas that are currently unserved by				
23	but summer feeding programs. The pilot shall end on August 31, 2020. The department shall				
24	report on program performance and shall include monthly expenditures, number of children				
25	served, and localities in which children were served. This report shall be provided to the				
26	Governor, Director of the Department of Planning and Budget, and the Chairmen of the				
27	House Appropriations and Senate Finance <i>and Appropriations</i> committees by November 1,				
28	2020.				
29	Q. The Department of Social Services shall study the resource cliff faced by families				
30	receiving public assistance when income increases enough to reduce or terminate the family's				
31	eligibility for public assistance. The report shall address how the structure and terms of				
32	eligibility affect the ability of participants to move toward self-sufficiency. The report shall be				
33	submitted to the Governor and Chairmen of the House Appropriations and Senate Finance				
34	<i>and Appropriations</i> committees on or before August 1, 2021.				
35	R. Out of this appropriation, \$16,600,000 the first year from the Temporary Assistance for				
36	Needy Families block grant shall be transferred to Direct Aid for Public Education to fund				
37	current Virginia Preschool Initiative (VPI) slots.				
38	S. Out of this appropriation, \$16,600,000 the first year from the Child Care Development				
39	Fund block grant balance shall be used to support child care funding in Virginia for TANF				
40	recipients currently receiving child care and for families receiving child care subsidies,				
41	including Head Start wraparound services.				
42	T. Out of this appropriation, \$33,200,000 from federal Child Care Development Block Grant				
43	(CCDBG) funding provided to states in response to the COVID-19 pandemic the first year				
44	shall be used to contract with local partners to provide support to school divisions, local				
45	governments, and other entities, including religious institutions and community centers, for				
46	the provision of space to increase local capacity to provide care for school-age children,				
47	purchase personal protective equipment (PPE) and cleaning supplies, and provide a stable				
48	financial environment for the operation of these programs. School divisions, local				
49	governments, and local departments of social services shall cooperate with local partners				
50	receiving these funds to maximize the number of school-age children served. In addition,				
51	local partners are encouraged to use these funds to support a diverse set of providers with				
52	these funds including existing child day centers, family day homes, religious institutions, and				
53	other organizations seeking to provide such services. Within this appropriation, any federal				
54	funds for this purpose shall be expended prior to the expenditure of general fund amounts.				
55	Federal funds appropriated for this purpose may also be used to provide child care provider				
56	stabilization funds pursuant to Item 479.10. Federal funds appropriated for this purpose also				

ITEM 350.		Item Details(\$)		Appropriations(\$)	
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1	may be used for broader purposes within the range of child care services than those				
2	purposes herein.				
3	U. Out of this appropriation, \$211,253 the first year from the federal Temporary				
4	Assistance for Needy Families (TANF) grant shall fund a one-time payment to TANF UP				
5	recipients.				
6	V.1. The Department of Social Services (DSS) and the Department of Education (DOE)				
7	shall ensure that the Temporary Assistance for Needy Families (TANF) Virginia Initiative				
8	for Employment and Work (VIEW) mandated child care forecast is funded through a				
9	combination of general fund, TANF, and Child Care Development Fund (CCDF) grant				
10	dollars. The amount of needed CCDF dollars identified in the Memorandum of Agreement				
11	(MOA) between the agencies shall be transferred from DOE to DSS within the first thirty				
12	days of the fiscal year. DSS shall notify DOE of the required amount of the next fiscal				
13	year transfer upon the enrollment of the budget. This amount shall reflect the need				
14	identified in the official forecast as well as changes resulting from actions in the final				
15	budget.				
16	2. The MOA shall reflect the full cost of the VIEW mandated child care program. From				
17	this amount, \$38,707,424 in the second year is appropriated at DSS and the balance shall				
18	be transferred from DOE from the CCDF grant to support the VIEW mandated child care				
19	program as specified in V.1.				
20	W. Out of this appropriation, \$2,120,420 the second year from the Temporary Assistance				
21	to Needy Families (TANF) block grant shall be provided for the Department of Social				
22	Services to implement a program so that TANF-eligible individuals may save funds in an				
23	individual development account established for the purposes of home purchase, education,				
24	starting a business, transportation, or self-sufficiency. The TANF funds shall be deposited				
25	to the individual development accounts at a match rate determined by the department.				
26	X. Out of this appropriation, \$9,647,528 the first year from the federal Child Care and				
27	Development Fund is provided to temporarily expand the Child Care Subsidy Program,				
28	pursuant to the provisions of House Bill 2206, 2021 Special Session I.				
29	351. Financial Assistance for Local Social Services				
30	Staff (46000).....			\$522,053,226	\$528,611,744
31					\$542,461,819
32	Local Staff and Operations (46010).....	\$522,053,226	\$528,611,744		
33			\$542,461,819		
34	Fund Sources: General.....	\$131,744,226	\$141,809,399		
35			\$141,502,144		
36	Dedicated Special Revenue.....	\$8,659,655	\$9,091,933		
37			\$9,374,916		
38	Federal Trust.....	\$381,649,345	\$377,710,412		
39			\$391,584,759		
40	Authority: Title 63.2, Chapters 1 through 7 and 9 through 16, Code of Virginia; P.L. 104-				
41	193, Titles IV A, XIX, and XXI, Social Security Act, Federal Code, as amended.				
42	A. The amounts in this Item shall be expended under regulations of the Board of Social				
43	Services to reimburse county and city welfare/social services boards pursuant to § 63.2-				
44	401, Code of Virginia, and subject to the same percentage limitations for other				
45	administrative services performed by county and city public welfare/social services boards				
46	and superintendents of public welfare/social services pursuant to other provisions of the				
47	Code of Virginia, as amended.				
48	B. Pursuant to the provisions of §§ 63.2-403, 63.2-406, 63.2-407, 63.2-408, and 63.2-615				
49	Code of Virginia, all moneys deducted from funds otherwise payable out of the state				
50	treasury to the counties and cities pursuant to the provisions of § 63.2-408, Code of				
51	Virginia, shall be credited to the applicable general fund account.				
52	C. Included in this appropriation are funds to reimburse local social service agencies for				
53	eligibility workers who interview applicants to determine qualification for public				
54	assistance benefits which include but are not limited to: Temporary Assistance for Needy				
55	Families (TANF); Supplemental Nutrition Assistance Program (SNAP); and Medicaid.				

ITEM 351.		Item Details(\$)		Appropriations(\$)	
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1	D. Included in this appropriation are funds to reimburse local social service agencies for				
2	social workers who deliver program services which include but are not limited to: child and				
3	adult protective services complaint investigations; foster care and adoption services; and adult				
4	services.				
5	E. Out of the federal fund appropriation for local social services staff, amounts estimated at				
6	\$80,000,000 the first year and \$80,000,000 \$83,200,000 the second year shall be set aside for				
7	allowable local costs which exceed available general fund reimbursement and amounts				
8	estimated at \$22,000,000 the first year and \$22,000,000 \$24,000,000 the second year shall be				
9	set aside to reimburse local governments for allowable costs incurred in administering public				
10	assistance programs.				
11	F. Out of this appropriation, \$562,260 the first year and \$562,260 the second year from the				
12	general fund and \$540,211 the first year and \$540,211 the second year from nongeneral funds				
13	is provided to cover the cost of the health insurance credit for retired local social services				
14	employees.				
15	G. The Department of Social Services shall work with local departments of social services on				
16	a pilot project in the western region of the state to evaluate the available data collected by				
17	local departments on facilitated care arrangements. The department shall, based on the				
18	findings from the pilot project, determine the most appropriate mechanism for collecting and				
19	reporting such data on a statewide basis.				
20	H.1. Out of this appropriation, \$4,527,969 the first year and \$4,527,969 the second year from				
21	the general fund shall be available for the reinvestment of adoption general fund savings as				
22	authorized in Title IV, parts B and E of the federal Social Security Act (P.L. 110-351).				
23	2. Of the amount in paragraph H.1. above, \$1,333,031 the first year and \$1,333,031 the				
24	second year from the general fund shall be used to provide Child Protective Services (CPS)				
25	assessments and investigations in response to all reports of children born exposed to				
26	controlled substances regardless of whether the substance had been prescribed to the mother				
27	when she has sought or gained substance abuse counseling or treatment.				
28	I. Out of this appropriation, \$2,150,048 from the general fund and \$2,175,528 from				
29	nongeneral funds the second year shall be provided for a pay band minimum increase in fiscal				
30	year 2022 of 20 percent for the family services positions and a 15 percent increase for benefit				
31	program services positions, self sufficiency services positions and administration positions				
32	that are currently below the new minimum threshold.				
33	352. Child Support Enforcement Services (46300).....			\$772,017,654	\$770,838,766
34					\$768,160,191
35	Support Enforcement and Collection Services				
36	(46301).....	\$107,111,345	\$105,932,457		
37			\$103,253,882		
38	Public Assistance Child Support Payments (46302)....	\$11,000,000	\$11,000,000		
39	Non-Public Assistance Child Support Payments				
40	(46303).....	\$653,906,309	\$653,906,309		
41	Fund Sources: General.....	\$15,970,085	\$15,970,085		
42			\$12,478,956		
43	Special.....	\$692,842,205	\$691,663,317		
44			\$696,035,943		
45	Federal Trust.....	\$63,205,364	\$63,205,364		
46			\$59,645,292		
47	Authority: Title 20, Chapters 2 through 3.1 and 4.1 through 9; Title 63.2, Chapter 19, Code of				
48	Virginia; P.L. 104-193, as amended; P.L. 105-200, P.L. 106-113, Federal Code.				
49	A. Any net revenue from child support enforcement collections, after all disbursements are				
50	made in accordance with state and federal statutes and regulations, and after the state's share				
51	of the cost of administering the program is paid, shall be estimated and deposited into the				
52	general fund by June 30 of the fiscal year in which it is collected. Any additional moneys				
53	determined to be available upon final determination of a fiscal year's costs of administering				
54	the program shall be deposited to the general fund by September 1 of the subsequent fiscal				
55	year in which it is collected.				

ITEM 352.		Item Details(\$)		Appropriations(\$)	
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1	B. In determining eligibility and amounts for cash assistance, pursuant to the Personal				
2	Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193,				
3	the department shall continue to disregard up to \$100 per month in child support payments				
4	and return to recipients of cash assistance up to \$100 per month in child support payments				
5	collected on their behalf.				
6	C. The state share of amounts disbursed to recipients of cash assistance pursuant to				
7	paragraph B of this Item shall be considered part of the Commonwealth's required				
8	Maintenance of Effort spending for the federal Temporary Assistance for Needy Families				
9	program established by the Social Security Act.				
10	D. The department shall expand collections of child support payments through contracts				
11	with private vendors. However, the Department of Social Services and the Office of the				
12	Attorney General shall not contract with any private collection agency, private attorney, or				
13	other private entity for any child support enforcement activity until the State Board of				
14	Social Services has made a written determination that the activity shall be performed				
15	under a proposed contract at a lower cost than if performed by employees of the				
16	Commonwealth.				
17	E. The Division of Child Support Enforcement, in cooperation with the Department of				
18	Medical Assistance Services, shall identify cases for which there is a medical support				
19	order requiring a noncustodial parent to contribute to the medical cost of caring for a child				
20	who is enrolled in the Medicaid or Family Access to Medical Insurance Security (FAMIS)				
21	Programs. Once identified, the division shall work with the Department of Medical				
22	Assistance Services to take appropriate enforcement actions to obtain medical support or				
23	repayments for the Medicaid program.				
24	<i>F. Out of this appropriation, \$680,000 in nongeneral funds the second year is</i>				
25	<i>appropriated to support the design, development, and implementation of a modernized</i>				
26	<i>child support technology system.</i>				
27	353. Adult Programs and Services (46800).....			\$40,660,209	\$45,577,762
28	Auxiliary Grants for the Aged, Blind, and Disabled				
29	(46801).....	\$21,998,009	\$26,398,009		
30	Adult In-Home and Supportive Services (46802).....	\$6,822,995	\$6,822,995		
31	Domestic Violence Prevention and Support				
32	Activities (46803).....	\$11,839,205	\$12,356,758		
33	Fund Sources: General.....	\$23,455,181	\$28,372,734		
34	Federal Trust.....	\$17,205,028	\$17,205,028		
35	Authority: Title 63.2, Chapters 1, 16 and 22, Code of Virginia; Title XVI, federal Social				
36	Security Act, as amended.				
37	A.1. Effective January 1, 2021+ 2022, the Department of Social Services, in collaboration				
38	with the Department for Aging and Rehabilitative Services, is authorized to base approved				
39	licensed assisted living facility rates for individual facilities on an occupancy rate of 85				
40	percent of licensed capacity, not to exceed a maximum rate of \$1,420 per month and				
41	effective July 1, 2021, a rate of \$1,562 \$1,609 per month, which rate is also applied to				
42	approved adult foster care homes, unless modified as indicated below. The department				
43	may add a 15 percent differential to the maximum amount for licensed assisted living				
44	facilities and adult foster care homes in Planning District Eight.				
45	2. Effective January 1, 2013, the monthly personal care allowance for auxiliary grant				
46	recipients who reside in licensed assisted living facilities and approved adult foster care				
47	homes shall be \$82 per month, unless modified as indicated below.				
48	3. The Department of Social Services, in collaboration with the Department for Aging and				
49	Rehabilitative Services, is authorized to increase the assisted living facility and adult				
50	foster care home rates and/or the personal care allowance cited above on January 1 of each				
51	year in which the federal government increases Supplemental Security Income or Social				
52	Security rates or at any other time that the department determines that an increase is				
53	necessary to ensure that the Commonwealth continues to meet federal requirements for				
54	continuing eligibility for federal financial participation in the Medicaid program. Any				

ITEM 353.		Item Details(\$)		Appropriations(\$)	
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1	such increase is subject to the prior concurrence of the Department of Planning and Budget.				
2	Within thirty days after its effective date, the Department of Social Services shall report any				
3	such increase to the Governor and the Chairmen of the House Appropriations and Senate				
4	Finance and Appropriations Committees with an explanation of the reasons for the increase.				
5	B. Out of this appropriation, \$4,185,189 the first year and \$4,185,189 in the second year from				
6	the federal Social Services Block Grant shall be allocated to provide adult companion services				
7	for low-income elderly and disabled adults.				
8	C. The toll-free telephone hotline operated by the Department of Social Services to receive				
9	child abuse and neglect complaints shall also be publicized and used by the department to				
10	receive complaints of adult abuse and neglect.				
11	D. Out of this appropriation, \$248,750 the first year and \$248,750 the second year from the				
12	general fund and \$1,346,792 the first year and \$1,346,792 the second year from federal				
13	Temporary Assistance for Needy Families (TANF) funds shall be provided as a grant to local				
14	domestic violence programs for purchase of crisis and core services for victims of domestic				
15	violence, including 24-hour hotlines, emergency shelter, emergency transportation, and other				
16	crisis services as a first priority.				
17	E. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the				
18	general fund and \$400,000 the first year and \$400,000 the second year from nongeneral funds				
19	shall be provided for the purchase of services for victims of domestic violence as stated in §				
20	63.2-1615, Code of Virginia, in accordance with regulations promulgated by the Board of				
21	Social Services.				
22	F. Out of this appropriation \$1,100,000 the first year and \$1,100,000 the second year from the				
23	general fund and \$2,500,000 the first year and \$2,500,000 the second year from federal				
24	Temporary Assistance to Needy Families (TANF) funds shall be provided as a grant to local				
25	domestic violence programs for services.				
26	G. On or before June 30, 2022, the Director, Department of Planning and Budget, shall				
27	unallot \$2,000,000 the second year from the general fund in this item, which reflects unused				
28	balances in the Auxiliary Grant program.				
29	354. Child Welfare Services (46900).....			\$267,400,227	\$261,635,376
30					\$268,745,955
31	Foster Care Payments (46901).....	\$59,399,725	\$47,565,642		
32			\$53,079,145		
33	Supplemental Child Welfare Activities (46902).....	\$47,181,349	\$43,295,246		
34			\$42,444,246		
35	Adoption Subsidy Payments (46903).....	\$147,409,103	\$148,153,060		
36			\$150,551,464		
37	Prevention Services (46905).....	\$13,410,050	\$22,621,428		
38			\$22,671,100		
39	Fund Sources: General.....	\$106,880,332	\$116,906,146		
40			\$114,339,163		
41	Special.....	\$2,434,593	\$2,434,593		
42	Dedicated Special Revenue.....	\$585,265	\$585,265		
43	Federal Trust.....	\$157,500,037	\$141,709,372		
44			\$151,386,934		
45	Authority: Title 63.2, Chapters 1, 2, 4 and 8 through 15, Code of Virginia; P.L. 100-294, P.L.				
46	101-126, P.L. 101-226, P.L. 105-89, P.L. 110-351, P.L. 111-320, as amended, Federal Code.				
47	A. Expenditures meeting the criteria of Title IV-E of the Social Security Act shall be fully				
48	reimbursed except that expenditures otherwise subject to a standard local matching share				
49	under applicable state policy, including local staffing, shall continue to require local match.				
50	The commissioner shall ensure that local social service boards obtain reimbursement for all				
51	children eligible for Title IV-E coverage.				
52	B. The commissioner, in cooperation with the Department of Planning and Budget, shall				
53	establish a reasonable, automatic adjustment for inflation each year to be applied to the room				
54	and board maximum rates paid to foster parents. However, this provision shall apply only in				

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1	fiscal years following a fiscal year in which salary increases are provided for state				
2	employees.				
3	C. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from				
4	the general fund shall be provided for the purchase of services for victims child abuse and				
5	neglect prevention activities as stated in § 63.2-1502, Code of Virginia, in accordance				
6	with regulations promulgated by the Board of Social Services.				
7	D. Out of this appropriation, \$180,200 the first year and \$180,200 the second year from				
8	the general fund and \$99,800 the first year and \$99,800 the second year from nongeneral				
9	funds shall be provided to continue respite care for foster parents.				
10	E. Notwithstanding the provisions of §§ 63.2-1300 through 63.2-1303, Code of Virginia,				
11	adoption assistance subsidies and supportive services shall not be available for children				
12	adopted through parental placements, except parental placements where the legal guardian				
13	is a child placing agency at the time of the adoption. This restriction does not apply to				
14	existing adoption assistance agreements.				
15	F.1. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year				
16	from the general fund shall be provided to implement pilot programs that increase the				
17	number of foster care children adopted.				
18	2. Beginning July 1, 2017, the department shall provide an annual report, not later than 45				
19	days after the end of the state fiscal year, on the use and effectiveness of this funding				
20	including, but not limited to, the additional number of special needs children adopted from				
21	foster care as a result of this effort and the types of ongoing supportive services provided,				
22	to the Governor, Chairmen of House Appropriations and Senate Finance and				
23	Appropriations Committees, and the Director, Department of Planning and Budget.				
24	G. Out of this appropriation, \$11,983,748 the first year and \$11,983,748 \$9,485,711 the				
25	second year from the general fund and \$7,000,000 the first year and \$7,000,000 the				
26	second year from nongeneral funds shall be provided for special needs adoptions.				
27	H. Out of this appropriation \$55,466,726 the first year and \$59,602,266 \$60,798,819 the				
28	second year from the general fund and \$75,602,450 the first year and \$67,608,742				
29	\$73,266,934 the second year from nongeneral funds shall be provided for Title IV-E				
30	adoption subsidies.				
31	I. The Commissioner, Department of Social Services, shall ensure that local departments				
32	that provide independent living services to persons between 18 and 21 years of age make				
33	certain information about and counseling regarding the availability of independent living				
34	services is provided to any person who chooses to leave foster care or who chooses to				
35	terminate independent living services before his twenty-first birthday. Information shall				
36	include the option for restoration of independent living services following termination of				
37	independent living services, and the processes whereby independent living services may				
38	be restored should he choose to seek restoration of such services in accordance with §				
39	63.2-905.1 of the Code of Virginia.				
40	J.1. Notwithstanding the provisions of § 63.2-1302, Code of Virginia, the Department of				
41	Social Services shall negotiate all adoption assistance agreements with both existing and				
42	prospective adoptive parents on behalf of local departments of social services. This				
43	provision shall not alter the legal responsibilities of the local departments of social				
44	services set out in Chapter 13 of Title 63.2, Code of Virginia, nor alter the rights of the				
45	adoptive parents to appeal.				
46	2. Out of this appropriation, \$342,414 the first year and \$342,414 the second year from the				
47	general fund and \$215,900 the first year and \$215,900 the second year from nongeneral				
48	funds shall be provided for five positions to execute these negotiations.				
49	K.1. The Department of Social Services shall partner with Patrick Henry Family Services				
50	to implement a pilot program in the area encompassing Planning District 11 (Amherst,				
51	Appomattox, Bedford, Campbell Counties and the City of Lynchburg) for the temporary				
52	placements of children for children and families in crisis. The pilot program will allow a				
53	parent or legal custodian of a minor, with the assistance of Patrick Henry Family Services,				
54	to delegate to another person by a properly executed power of attorney any powers				

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1	regarding care, custody, or property of the minor for a temporary placement for a period that				
2	is not greater than 90 days. The program will allow for an option of a one-time 90 day				
3	extension.				
4	2. The department shall ensure that this pilot program meets the following specific				
5	programmatic and safety requirements outlined in 22 VAC 40-131 and 22 VAC 40-191:				
6	(i) The pilot program organization shall meet the background check requirements described in				
7	22 VAC 40-191.				
8	(ii) The pilot program organization shall develop and implement written policies and				
9	procedures for governing active and closed cases, admissions, monitoring the administration				
10	of medications, prohibiting corporal punishment, ensuring that children are not subjected to				
11	abuse or neglect, investigating allegations of misconduct toward children, implementing the				
12	child's back-up emergency care plan, assigning designated casework staff, management of all				
13	records, discharge policies, and the use of seclusion and restraint (22 VAC 40-131-90).				
14	(iii) The pilot program organization shall provide pre-service and ongoing training for				
15	temporary placement providers and staff (22 VAC 40-131-210 and 22 VAC 40-131-150).				
16	L.1. Out of this appropriation, \$2,925,954 the first year and \$2,925,954 the second year from				
17	the general fund and \$2,886,611 the first year and \$2,886,611 the second year from				
18	nongeneral funds shall be available for the expansion of foster care and adoption assistance as				
19	authorized in the federal Foster Connections to Success and Increasing Adoptions Act of 2008				
20	(P.L. 110-351; P.L. 11-148).				
21	2. In order to implement the Fostering Futures program, the Department of Social Services				
22	shall set out the requirements for program participation in accordance with 42 U.S.C. 675 (8)				
23	(B) (iv) and shall provide the format of an agreement to be signed by the local department of				
24	social services and the youth. The definition of a child for the purpose of the Fostering				
25	Futures program shall be any natural person who has reached the age of 18 years but has not				
26	reached the age of 21. The Department of Social Services shall develop guidance setting out				
27	the requirements for local implementation including a requirement for six-month reviews of				
28	each case and reasons for termination of participation by a youth. The guidance shall also				
29	include a definition of a supervised independent living arrangement which does not include				
30	group homes or residential facilities. Implementation of this program includes the extension				
31	of adoption assistance to age 21 for youth who were adopted at age 16 or older and who meet				
32	the program participation requirements set out in guidance by the Department of Social				
33	Services.				
34	3. The Department of Social Services shall issue guidance for the program's eligibility				
35	requirements and shall be available, on a voluntary basis, to an individual upon reaching the				
36	age of 18 who:				
37	(i) was in the custody of a local department of social services either:				
38	(a) prior to reaching 18 years of age, remained in foster care upon turning 18 years of age; or				
39	(b) immediately prior to commitment to the Department of Juvenile Justice and is				
40	transitioning from such commitment to self-sufficiency.				
41	(ii) and who is:				
42	(a) completing secondary education or an equivalent credential; or				
43	(b) enrolled in an institution that provides post-secondary or vocational education; or				
44	(c) employed for at least 80 hours per month; or				
45	(d) participating in a program or activity designed to promote employment or remove barriers				
46	to employment; or				
47	(e) incapable of doing any of the activities described in subdivisions (a) through (d) due to a				
48	medical condition, which incapability is supported by regularly updated information in the				
49	program participant's case plan.				

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1	4. Implementation of extended foster care services shall be available for those eligible				
2	youth reaching age 18 on or after July 1, 2016.				
3	M.1. Out of this appropriation, \$7,517,668 the first year and \$7,517,668 the second year				
4	from the general fund and \$2,500,000 the first year and \$2,500,000 the second year from				
5	nongeneral funds shall be available for the reinvestment of adoption general fund savings				
6	as authorized in title IV, parts B and E of the federal Social Security Act (P.L. 110-351).				
7	2. Of the amounts in paragraph M.1. above, \$3,078,595 the first year and \$3,078,595 the				
8	second year from the general fund shall be used to develop a case management module for				
9	a comprehensive child welfare information system (CCWIS). In the development of the				
10	CCWIS, the department shall not create any future obligation that will require the				
11	appropriation of general fund in excess of that provided in this Act. Should additional				
12	appropriation, in excess of the amounts identified in this paragraph, be needed to complete				
13	development of this or any other module for the CCWIS, the department shall notify the				
14	Chairmen of the House Appropriations and Senate Finance <i>and Appropriations</i>				
15	Committees, and Director, Department of Planning and Budget.				
16	3. Beginning September 1, 2018, the department shall also provide semi-annual progress				
17	reports that includes current project summary, implementation status, accounting of				
18	project expenditures and future milestones. All reports shall be submitted to the Chairmen				
19	of the House Appropriations and Senate Finance <i>and Appropriations</i> Committees, and				
20	Director, Department of Planning and Budget.				
21	N. Out of this appropriation, \$1,009,563 the first year and \$1,009,563 the second year				
22	from nongeneral funds shall be used to fund ten positions that support the child protective				
23	services hotline.				
24	O. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the				
25	general fund and \$50,000 the first year and \$50,000 the second year from nongeneral				
26	funds shall be used to fund one position that supports Virginia Fosters.				
27	P. Out of this appropriation, \$851,000 the first year and \$851,000 the second year from the				
28	general fund is provided for training, consultation and technical support, and licensing				
29	costs associated with establishing evidence-based programming as identified in the federal				
30	Family First Prevention Services Act (FFPSA) Evidence-Based Programs Clearinghouse.				
31	Q. The Department of Social Services shall develop a plan to provide access statewide to a				
32	Kinship Navigator Program which will provide services to kinship caregivers who are				
33	having trouble finding assistance for their unique needs and to help these caregivers				
34	navigate their locality's service system, as well as federal and state benefits.				
35	S. The Department of Social Services shall create an emergency approval process for				
36	kinship caregivers and develop foster home certification standards for kinship caregivers				
37	using as a guide the Model Family Foster Home Licensing Standards developed by the				
38	American Bar Association Center on Children and the Law, the Annie E. Casey				
39	Foundation, Generations United, and the National Association for Regulatory				
40	Administration. The adopted standards should align, as much as reasonably possible, to				
41	the Model Family Foster Home Licensing Standards, and should ensure that children in				
42	foster care: (i) live in safe and appropriate homes under local department of social services				
43	and court oversight; (ii) receive monthly financial assistance and supportive services to				
44	help meet their needs; and (iii) can access the permanency options offered by Virginia's				
45	Kinship Guardianship Assistance Program.				
46	T. The Department of Social Services shall offset \$5,000,000 the first year of the general				
47	fund cost of implementing the Family First Prevention Services Act with federal Family				
48	First Transition Act funding for approved services and activities.				
49	U. The Commissioner shall establish a five-year plan for the Commonwealth to prevent				
50	child abuse and neglect. In developing this plan, the Department shall collaborate with the				
51	Department for Behavioral Health & Developmental Services, Department of Health,				
52	Department of Education, Family and Children's Trust and other relevant state agencies				
53	and stakeholders. This plan shall be focused on primary prevention, be trauma informed,				
54	include a public health framework on abuse prevention, promote positive youth				

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1	development, and be asset and strength based. The plan shall reference and coordinate with				
2	any other state plans or programs that deal with issues related to child abuse prevention such				
3	as, but not limited to, teen pregnancy prevention, youth substance use, school dropout,				
4	domestic violence/family violence, and foster care prevention. The Commissioner shall				
5	convene a work group to assist with developing this plan. The workgroup shall include, but				
6	not be limited to, the following stakeholders: Families Forward Virginia, VOICES for				
7	Virginia's Children, and the Virginia Poverty Law Center. The Commissioner shall report the				
8	plan to the Governor and the Chairs of the House Appropriations and Senate Finance and				
9	Appropriations Committees, and the Commission on Youth by July 1, 2021.				
10	V. Within 10 days of the enactment of this Act, the Department of Social Services (DSS) shall				
11	generate an estimate of the annual impact of enhanced federal Medical Assistance				
12	Percentages (FMAP), associated with federal H.R. 6021, the Families First Coronavirus				
13	Response Act (FFCRA), on all Title IV-E foster care and adoptions programs as appropriated				
14	in this Act. The agency shall report these estimates by fiscal year, fiscal quarter, service area				
15	and fund detail, to the Department of Planning and Budget (DPB) and the Chairs of the House				
16	Appropriations and Senate Finance and Appropriations Committees within the required				
17	timeframe. DPB is authorized to unallot an amount of state funds equal to the general fund				
18	savings identified in the DSS report. Upon expiration of the enhanced FMAP, DPB is				
19	authorized to re-allot funding for those quarters for which assumed enhanced FMAP is not				
20	available.				
21	W. Out of this appropriation, \$322,601 the second year from the general fund and \$2,546,850				
22	the second year from nongeneral funds is provided to implement the Virginia Facilitated				
23	Enrollment Program.				
24	355. Not set out.				
25	356. Financial Assistance to Community Human Services				
26	Organizations (49200).....			\$62,357,967	\$70,082,967
27					\$70,166,967
28	Community Action Agencies (49201).....	\$21,263,048	\$21,263,048		
29	Volunteer Services (49202).....	\$3,866,340	\$3,866,340		
30	Other Payments to Human Services Organizations				
31	(49203).....	\$37,228,579	\$44,953,579		
32			\$45,037,579		
33	Fund Sources: General.....	\$1,424,500	\$7,674,500		
34	Federal Trust.....	\$60,933,467	\$62,408,467		
35			\$62,492,467		
36	Authority: Title 2.2, Chapter 54; Title 63.2, Code of Virginia; Title VI, Subtitle B, P.L. 97-35,				
37	as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.				
38	A.1. All increased state or federal funds distributed to Community Action Agencies shall be				
39	distributed as follows: The funds shall be distributed to all local Community Action Agencies				
40	according to the Department of Social Services funding formula (75 percent based on low-				
41	income population, 20 percent based on number of jurisdictions served, and five percent				
42	based on square mileage served), adjusted to ensure that no agency receives less than 1.5				
43	percent of any increase.				
44	2. Out of this appropriation, \$185,725 the first year and \$185,725 the second year from the				
45	Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract				
46	with the Virginia Community Action Partnership to provide outreach, education and tax				
47	preparation services via the Virginia Earned Income Tax Coalition and other community non-				
48	profit organizations to citizens who may be eligible for the federal Earned Income Tax Credit.				
49	The contract shall require the Virginia Community Action Partnership to report on its efforts				
50	to expand the number of Virginians who are able to claim the federal EITC, including the				
51	number of individuals identified who could benefit from the credit, the number of individuals				
52	counseled on the availability of federal EITC, and the number of individuals assisted with tax				
53	preparation to claim the federal EITC. The annual report from the Virginia Community				
54	Action Partnership shall also detail actual expenditures for the program including the sub-				
55	contractors that were utilized. This report shall be provided to the Governor and the Chairmen				
56	of the House Appropriations and Senate Finance and Appropriations Committees by				

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1	December 1 each year.				
2	3. Out of this appropriation, \$7,750,000 the first year and \$7,750,000 the second year from				
3	the Temporary Assistance for Needy Families (TANF) block grant shall be provided to				
4	contract with local Community Action Agencies to provide an array of services designed				
5	to meet the needs of low-income individuals and families, including the elderly and				
6	migrant workers. Services may include, but are not limited to, child care, community and				
7	economic development, education, employment, health and nutrition, housing, and				
8	transportation.				
9	4. Out of this appropriation, \$1,125,000 the first year and \$1,125,000 the second year from				
10	the Temporary Assistance for Needy Families (TANF) block grant shall be provided for				
11	competitive grants to Community Action Agencies for a Two-Generation/Whole Family				
12	Pilot Project and for evaluation of the pilot project. Applicants selected for the pilot				
13	project shall provide a match of no less than 20 percent of the grant, including in-kind				
14	services. The Department of Social Services shall report to the General Assembly annually				
15	on the progress of the pilot project and shall complete a final report on the project no later				
16	than six years after the commencement of the project.				
17	B. The department shall continue to fund from this Item all organizations recognized by				
18	the Commonwealth as community action agencies as defined in §2.2-5400 et seq.				
19	C. Out of this appropriation, \$8,617,679 the first year and \$8,617,679 the second year				
20	from the Temporary Assistance for Needy Families (TANF) block grant shall be provided				
21	to contract with programs that follow the evidence-based Healthy Families America home				
22	visiting model that promotes positive parenting, improves child health and development,				
23	and reduces child abuse and neglect. The Department of Social Services shall use a				
24	portion of the funds from this item to contract with the statewide office of Prevent Child				
25	Abuse Virginia for providing the coordination, technical support, quality assurance,				
26	training and evaluation of the Virginia Healthy Families programs.				
27	E. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from				
28	nongeneral funds shall be provided for the Child Abuse Prevention Play (the play)				
29	administered by Virginia Repertory Theatre. The contract shall include production and				
30	live performances of the play that teach child safety awareness to prevent child abuse.				
31	F. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the				
32	general fund shall be provided to contract with the Virginia Alzheimer's Association				
33	Chapters to provide dementia-specific training to long-term care workers in licensed				
34	nursing facilities, assisted living facilities and adult day care centers who deal with				
35	Alzheimer's disease and related disorders.				
36	G. Out of this appropriation, \$1,500,000 the first year and \$2,000,000 the second year				
37	from the Temporary Assistance for Needy Families (TANF) block grant shall be provided				
38	to contract with Northern Virginia Family Services (NVFS) to provide supportive services				
39	that address the basic needs of families in crisis, including the provision of food, financial				
40	assistance to prevent homelessness, access to health services, and adult workforce				
41	development programs. The contract shall require NVFS to provide an intake process that				
42	identifies the needs and appropriate services for those in crisis. Outcomes will be				
43	measured utilizing surveys provided to those who receive services and NVFS will report				
44	quarterly on survey results.				
45	H. Out of this appropriation, \$405,500 the first year and \$405,500 the second year from				
46	the general fund and \$1,136,500 the first year and \$1,136,500 the second year from the				
47	Temporary Assistance for Needy Families (TANF) block grant shall be provided to				
48	contract with child advocacy centers (CAC) to provide a comprehensive, multidisciplinary				
49	team response to allegations of child abuse in a dedicated, child-friendly setting. The				
50	contracts shall require CACs to provide forensic interviews, victim support and advocacy				
51	services, medical evaluations, and mental health services to victims of child abuse and				
52	neglect with the expected outcome of reducing child abuse and neglect. The department				
53	shall allocate four percent to Children's Advocacy Centers of Virginia (CACVA), the				
54	recognized chapter of the National Children's Alliance for Virginia's Child Advocacy				
55	Centers, for the purpose of assisting and supporting the development, continuation, and				
56	sustainability of community-coordinated, child-focused services delivered by children's				

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1	advocacy centers (CACs). Of the remaining 96 percent, (i) 65 percent shall be distributed to a				
2	baseline allocation determined by the accreditation status of the CAC: (a) developing and				
3	associate centers 100 percent of base; (b) accredited centers 150 percent of base; and (c)				
4	accredited centers with satellite facilities 175 percent of base; and (ii) 35 percent shall be				
5	allocated according to established criteria to include: (a) 25 percent determined by the rate of				
6	child abuse per 1,000; (b) 25 percent determined by child population; and (c) 50 percent				
7	determined by the number of counties and independent cities serviced.				
8	I.1. Out of this appropriation, \$1,250,000 the first year and \$1,250,000 the second year from				
9	the Temporary Assistance for Needy Families (TANF) block grant shall be provided to				
10	contract with the Virginia Early Childhood Foundation (VECF) to support the health and				
11	school readiness of Virginia's young children prior to school entry. These funds shall be				
12	matched with local public and private resources with a goal of leveraging a dollar for each				
13	state dollar provided.				
14	2. Of the amounts in paragraph I.1. above, \$1,250,000 the first year and \$1,250,000 the				
15	second year from the Temporary Assistance for Needy Families (TANF) block grant shall be				
16	used to provide information and assistance to parents and families and to facilitate				
17	partnerships with both public and private providers of early childhood services. VECF will				
18	track and report statewide and local progress on a biennial basis. The Foundation shall				
19	account for the expenditure of these funds by providing the Governor, Secretary of Health and				
20	Human Resources, and the Chairmen of the House Appropriations and Senate Finance <i>and</i>				
21	<i>Appropriations</i> Committees with a certified audit and full report on Foundation initiatives and				
22	results not later than October 1 of each year for the preceding fiscal year ending June 30.				
23	3. On or before October 1 of each year, the foundation shall submit to the Governor and the				
24	Chairmen of the House Appropriations and Senate Finance <i>and Appropriations</i> Committees a				
25	report on the actual amount, by fiscal year, of private and local government funds received by				
26	the foundation.				
27	J. Out of this appropriation \$2,000,000 the first year and \$2,000,000 the second year from the				
28	Temporary Assistance for Needy Families (TANF) block grant shall be provided to the				
29	Virginia Alliance of Boys and Girls Clubs to expand community-based prevention and				
30	mentoring programs.				
31	K.1. Out of this appropriation, \$7,500,000 the first year and \$7,500,000 the second year from				
32	the Temporary Assistance for Needy Families (TANF) block grant the shall be provided for				
33	competitive grants for community employment and training programs designed to move low-				
34	income individuals out of poverty through programs designed to assist TANF recipients in				
35	obtaining and retaining competitive employment with the prospect of a career path and wage				
36	growth and other supportive services designed to break the cycle of poverty and permanently				
37	move individuals out of poverty. Of this amount, \$2,000,000 shall be provided for				
38	competitive grants provided through Employment Services Organizations (ESOs).				
39	2.a. Out of this appropriation, \$3,000,000 the first year and \$3,000,000 the second year from				
40	the Temporary Assistance for Needy Families (TANF) block grant the shall be provided for a				
41	second round of grants for community employment and training programs designed to move				
42	low-income individuals out of poverty by obtaining and retaining competitive employment				
43	with the prospect of a career path and wage growth. The local match requirement shall be				
44	reduced to 10 percent, including in-kind services, for grant recipients located in Virginia				
45	counties or cities with high fiscal stress as defined by the Commission on Local Government				
46	fiscal stress index.				
47	b. Out of the amounts in 2.a., at least \$300,000 the first year and \$300,000 the second year				
48	from the Temporary Assistance for Needy Families (TANF) block grant shall be provided				
49	through a contract with the City of Richmond, Office of Community Wealth for services				
50	provided through the Center for Workforce Innovation.				
51	3. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year from the				
52	the Temporary Assistance to Needy Families (TANF) block grant shall be provided for a third				
53	round of competitive grants for community employment and training programs. Out of this				
54	amount, \$450,000 each year shall be provided for competitive grants through Employment				
55	Services Organizations. The department may encourage applicants to consider developing				
56	programs that align or coordinate with the Medicaid Referral program to be developed				

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1	pursuant to language in Item 313 of this act.				
2	4. The Department of Social Services shall award grants to qualifying programs through a				
3	memorandum of understanding which articulates performance measures and outcomes				
4	including the number of individuals participating in services, number of individuals hired				
5	into employment, the number of unique employers hiring individuals through				
6	organizational programs and activities, the average starting wage of individuals hired,				
7	reductions in the rate of poverty, as well as process measures such as how the program				
8	targets improvement in poverty over a three to five year period and fits in with long term				
9	community goals for reducing poverty. Grants shall require local matching funds of at				
10	least a 25 percent, including in-kind services.				
11	5. Community employment and training programs and ESOs shall report on annual				
12	program performance and outcome measures contained in the memorandum of				
13	understanding with the Department of Social Services. The department shall report on the				
14	implementation of the programs and any performance and outcome data collected through				
15	the memorandum of understanding by June 1 of each year.				
16	L. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from				
17	the general fund shall be provided to contract with Youth for Tomorrow (YFT) to provide				
18	comprehensive residential, education and counseling services to at-risk youth of the				
19	Commonwealth of Virginia who have been sexually exploited, including victims of sex				
20	trafficking. The contract shall require YFT to provide individual assessments/individual				
21	service planning; individual and group counseling; room and board; coordination of				
22	medical and mental health services and referrals; independent living services for youth				
23	transitioning out of foster care; active supervision; education; and family reunification				
24	services. Youth for Tomorrow shall submit monthly progress reports on activities				
25	conducted and progress achieved on outputs, outcomes and other functions/activities				
26	during the reporting period. On October 1 of each year, YFT shall provide an annual				
27	report to the Governor and the Chairmen of the House Appropriations and Senate Finance				
28	<i>and Appropriations</i> Committees that details program services, outputs and outcomes.				
29	M. Out of this appropriation, \$75,000 the first year and \$150,000 the second year from the				
30	federal Temporary Assistance for Needy Families block grant shall be provided to				
31	contract with Visions of Truth Community Development Corporation in Portsmouth,				
32	Virginia. The funding will support the Students Taking Responsibility in Valuing				
33	Education (STRIVE) suspension/dropout prevention program.				
34	N. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from				
35	the the federal Temporary Assistance for Needy Families block grant shall be provided to				
36	contract with Early Impact Virginia to continue its work in support of Virginia's voluntary				
37	home visiting programs. These funds may be used to hire three full-time staff, including a				
38	director and an evaluator, and to continue Early Impact Virginia's training partnerships.				
39	Early Impact Virginia shall have the authority and responsibility to determine,				
40	systematically track, and report annually on the key activities and outcomes of Virginia's				
41	home visiting programs; conduct systematic and statewide needs assessments for				
42	Virginia's home visiting programs at least once every three years; and to support				
43	continuous quality improvement, training, and coordination across Virginia's home				
44	visiting programs on an ongoing basis. Early Impact Virginia shall report on its findings to				
45	the Chairmen of the House Appropriations and Senate Finance <i>and Appropriations</i>				
46	Committees by July 1, 2019 and annually thereafter.				
47	O. Out of this appropriation, \$750,000 the first year and \$750,000 the second year from				
48	the Temporary Assistance for Needy Families (TANF) block grant shall be provided to				
49	contract with the Laurel Center in Winchester to provide program services to survivors of				
50	domestic abuse and sexual violence in Winchester, Frederick County, Clarke County, and				
51	Warren County at the Center's residential facility for survivors.				
52	P. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the				
53	general fund shall be provided for the Department of Social Services to contract with				
54	Adoption Share, Inc. for the purpose of a pilot program to operate the Family-Match				
55	application, which is an online matching tool for state case workers to use in matching				
56	foster care children with the best families.				

ITEM 356.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Q. Out of this appropriation, \$100,000 the first year and \$350,000 the second year from the				
2	Temporary Assistance for Needy Families (TANF) block grant shall be provided to FACETS				
3	to provide homeless assistance services in Northern Virginia.				
4	R. Out of this appropriation, \$3,000,000 the first year and \$3,000,000 the second year from				
5	the Temporary Assistance for Needy Families block grant shall be provided to contract with				
6	the Virginia Federation of Food Banks to provide child nutrition programs.				
7	S. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year for the				
8	Temporary Assistance for Needy Families block grant shall be provided to the Virginia				
9	Transit Association to offer competitive grants for public transportation (as defined in				
10	Virginia Code §33.2-100) and public transportation demand management service fare passes.				
11	The Virginia Transit Association shall report on annual program performance and outcome				
12	measures contained in the memorandum of understanding with the Department of Social				
13	Services. The department shall report on any performance and outcome data collected through				
14	the memorandum of understanding by July 1 of each year. This report shall be provided to the				
15	Governor, Director of the Department of Planning and Budget, and the Chairmen of the				
16	House Appropriations and Senate Finance <i>and Appropriations</i> committees.				
17	T. Out of this appropriation, \$700,000 the first year and \$1,200,000 \$1,284,000 the second				
18	year from the Temporary Assistance for Needy Families block grant shall be provided to				
19	United Community to offer wrap-around services for low-income families. United				
20	Community shall report on annual program performance and outcome measures contained in				
21	the memorandum of understanding with the Department of Social Services. The department				
22	shall report on any performance and outcome data collected through the memorandum of				
23	understanding by July 1 of each year. This report shall be provided to the Governor, Director				
24	of the Department of Planning and Budget, and the Chairmen of the House Appropriations				
25	and Senate Finance <i>and Appropriations</i> committees.				
26	U. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the				
27	Temporary Assistance for Needy Families (TANF) block grant shall be provided to the				
28	Lighthouse Community Center, a nonprofit organization in Planning District 11, to provide				
29	housing assistance, or other eligible services, for individuals transitioning out of the criminal				
30	justice system and domestic violence situations contingent on contracting for services eligible				
31	under the TANF block grant.				
32	V. Out of this appropriation, \$500,000 the first year from the general fund shall be provided to				
33	the Laurel Center for expansion of education, outreach, program services, and new career and				
34	education support. Any unexpended balance as of June 30, 2021 shall not revert to the general				
35	fund but shall be reappropriated in fiscal year 2022.				
36	W. Out of this appropriation, \$650,000 the first year from the federal Temporary Assistance				
37	for Needy Families (TANF) grant shall be provided to food banks for the emergency food				
38	supply package program for fall 2020 and winter 2021. Funding authorized in this paragraph				
39	shall only be expended when no other federal funding source is available for this purpose.				
40	X. Out of this appropriation, \$750,000 the first year and \$750,000 the second year from the				
41	Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract				
42	with Cornerstones to provide wrap-around services that solve urgent or on-going requirements				
43	for housing, childcare, food or financial assistance that address the needs of families. The				
44	contract shall require Cornerstones to report annually on outcomes.				
45	Y. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the				
46	Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract				
47	with Portsmouth Volunteers for the Homeless to provide wrap-around services for homeless				
48	individuals.				
49	Z. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the				
50	Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract				
51	with Menchville House to provide supportive services for homeless individuals.				
52	AA. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the				
53	Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract				
54	with Family Restoration Services of Hampton to provide supportive services to families in				

ITEM 356.		Item Details(\$)		Appropriations(\$)	
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1	need.				
2	BB. Out of this appropriation, \$250,000 the first year from the general fund shall be				
3	provided to Children's Harbor to expand child care services on the Eastern Shore.				
4	CC. Out of this appropriation, \$200,000 the second year from the Temporary Assistance				
5	to Needy Families (TANF) block grant shall be provided for Good Shepherd Housing and				
6	Family Services to assist with food, housing, child care/education, workforce training and				
7	mental health services and supports related to the COVID-19 pandemic response.				
8	DD. Out of this appropriation, \$200,000 the second year from the Temporary Assistance				
9	to Needy Families (TANF) block grant shall be provided to BritePaths to assist with food,				
10	housing, child care and education, workforce training and mental health services and				
11	supports related to stabilizing families during the COVID-19 pandemic.				
12	EE. Out of this appropriation, \$200,000 the second year from the Temporary Assistance to				
13	Needy Families (TANF) block grant shall be provided to the Koinonia Foundation to				
14	assist with food, housing, child care and education, workforce training and mental health				
15	services and supports related to stabilizing families during the COVID-19 pandemic.				
16	FF. Out of this appropriation, \$5,000,000 from the general fund the second year shall be				
17	provided to Prince William County for the CASA Welcome Center in Prince William				
18	County. Funding shall be matched by private and other nonprofit or governmental funding				
19	on a cash and/or in-kind basis.				
20	GG. Out of this appropriation, \$2,000,000 from the general fund the second year shall be				
21	provided to Northampton County for the development of the Northampton County				
22	Community Center.				
23	HH. Out of this appropriation, \$200,000 the second year from the Temporary Assistance				
24	to Needy Families (TANF) block grant shall be provided to the the Lorton Community				
25	Action Center to assist with food, housing, child care and education, workforce training				
26	and mental health services and supports for low-income families during the COVID-19				
27	pandemic.				
28	357. Regulation of Public Facilities and Services				
29	(56100).....			\$43,491,485	\$16,311,476
30					\$14,655,078
31	Regulation of Adult and Child Welfare Facilities				
32	(56101).....	\$40,425,498	\$13,245,489		
33			\$11,648,998		
34	Background Investigation Services (56106).....	\$3,065,987	\$3,065,987		
35			\$3,006,080		
36	Fund Sources: General.....	\$6,554,217	\$6,942,856		
37			\$7,200,754		
38	Special.....	\$3,143,517	\$3,143,517		
39	Federal Trust.....	\$33,793,751	\$6,225,103		
40			\$4,310,807		
41	Authority: Title 63.2, Chapters 17 and 18, Code of Virginia.				
42	A. The state nongeneral fund amounts collected and paid into the state treasury pursuant to				
43	the provisions of § 63.2-1700, Code of Virginia, shall be used for the development and				
44	delivery of training for operators and staff of assisted living facilities, adult day care				
45	centers, and child welfare agencies.				
46	B. As a condition of this appropriation, the Department of Social Services shall (i)				
47	promptly fill all position vacancies that occur in licensing offices so that positions shall				
48	not remain vacant for longer than 120 days and (ii) hire sufficient child care licensing				
49	specialists to ensure that all child care facilities receive, at a minimum, the two visits per				
50	year mandated by § 63.2-1706, Code of Virginia, and that facilities with compliance				
51	problems receive additional inspection visits as necessary to ensure compliance with state				
52	laws and regulations.				
53	C. As a condition of this appropriation, the Department of Social Services shall utilize a				

ITEM 357.		Item Details(\$)		Appropriations(\$)	
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1	risk assessment instrument for child and adult care enforcement. This instrument shall include				
2	criteria for determining when the following sanctions may be used: (i) the imposition of				
3	intermediate sanctions, (ii) the denial of licensure renewal or revocation of license of a				
4	licensed facility, (iii) injunctive relief against a child care provider, and (iv) additional				
5	inspections and intensive oversight of a facility by the Department of Social Services.				
6	D. Out of this appropriation, the Department of Social Services shall implement training for				
7	new assisted living facility owners and managers to focus on health and safety issues, and				
8	resident rights as they pertain to adult care residences.				
9	E. Out of this appropriation, \$8,853,833 and 59 positions the first year from the federal Child				
10	Care and Development Fund (CCDF) shall be provided to address the workload associated				
11	with licensing, inspecting and monitoring family day homes, pursuant to § 63.2-1704, Code of				
12	Virginia. The Department of Social Services shall provide an annual report, not later than				
13	October 1 of each year for the preceding state fiscal year ending June 30, on the				
14	implementation of this initiative to the Governor, the Chairmen of the House Appropriations				
15	and Senate Finance Committees, and the Director, Department of Planning and Budget.				
16	F. The Department of Social Services shall work with localities that currently inspect child				
17	day care centers and family day homes to minimize duplication and overlap of inspections				
18	pursuant to § 63.2-1701.1, Code of Virginia.				
19	G. No child day center, family day home, or family day system licensed in accordance with				
20	Chapter 17, Title 63.2; child day center exempt from licensure pursuant to § 63.2-1716;				
21	registered family day home; family day home approved by a family day system; or any child				
22	day center or family day home that enters into a contract with the Department of Social				
23	Services or a local department of social services to provide child care services funded by the				
24	Child Care and Development Block Grant shall employ; continue to employ; or permit to				
25	serve as a volunteer who will be alone with, in control of, or supervising children any person				
26	who has an offense as defined in § 63.2-1719. All employees and volunteers shall undergo the				
27	following background check by July 1, 2017 and every 5 years thereafter, as required by the				
28	federal Child Care and Development Block Grant Act of 2014 (CCDBG).				
29	H. 1. A child day program that operates for children of essential personnel or those who have				
30	been identified as needing in-person services, who are in need of child care as a result of the				
31	COVID-19 pandemic, shall be exempt from licensure. Programs operating under this				
32	emergency licensing exemption must file an exemption with the Department and abide by the				
33	requirements set forth in § 63.2-1715(C) and (D), Code of Virginia. The Commissioner shall				
34	have the authority to inspect these programs only upon receipt of a complaint, except as				
35	otherwise provided by law.				
36	2. An instructional program operating under § 63.2-1715 (A), Code of Virginia solely for				
37	children of essential personnel must file with the Commissioner a statement indicating the				
38	intent to operate the program and identifying that the program will operate solely for the				
39	children of essential personnel or those who have been identified as needing in-person				
40	services. All emergency child care programs shall follow Centers for Disease Control and				
41	Prevention and Virginia Department of Health guidance on safety measures to prevent the				
42	spread of COVID-19.				
43	I. When a child day program operates in response to the COVID-19 pandemic, a background				
44	check for an individual associated with a child day program operating solely for children of				
45	essential personnel or those who have been identified as needing in-person services shall not				
46	be required for any individual who has completed a background check under the provisions of				
47	§ 63.2-1720.1 or § 63.2-1721.1, Code of Virginia within the previous two years and who				
48	continues to be eligible. The Department shall establish a process regarding background check				
49	portability, and child day program providers seeking portability must follow this process.				
50	J. Any public or accredited private school may operate emergency child care for preschool or				
51	school aged children of essential personnel or those who have been identified as needing in-				
52	person services during a declared state or local emergency due to COVID-19. Such programs				
53	shall be exempt from licensure (§ 63.2-1715, Code of Virginia) and shall be subject to safety				
54	and supervisory standards, including background checks, established by the local school				
55	division or accredited private school offering the program. All emergency child care programs				
56	shall follow Centers for Disease Control and Prevention and Virginia Department of Health				

ITEM 357.		Item Details(\$)		Appropriations(\$)	
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1	guidance on safety measures to prevent the spread of COVID-19.				
2	K.1. The Department of Social Services is authorized to temporarily waive the maximum				
3	reimbursable rate requirement in the Child Care Subsidy Regulation (22VAC40-665-80.				
4	Determining payment amount) and replace it with a flat rate of ten dollars per hour for in-				
5	home child care providers. The provisions of this paragraph, as well as any actions				
6	implemented under its authority, shall be in accordance with the Governor's emergency				
7	declaration for COVID-19 and be in effect for the period specified therein.				
8	2. If any action implemented in accordance with K.1. of this Item creates a fiscal				
9	obligation, the Department shall utilize appropriate nongeneral fund sources to fund the				
10	costs incurred. No general fund appropriation shall be used for this purpose.				
11	L. Out of this appropriation, \$2,528,124 the first year and \$786,369 the second year from				
12	the general fund and \$11,062,664 the first year and \$68,362 the second year from				
13	nongeneral funds shall be appropriated to fund the replacement of the agency licensing				
14	system. Any unexpended general fund balance as of June 30, 2021, related to this				
15	paragraph shall be reappropriated to continue replacement of the agency licensing system.				
16	358. Not set out.				
17	359. Administrative and Support Services (49900).....			\$119,763,882	\$116,707,287
18					\$133,623,219
19	General Management and Direction (49901).....	\$5,172,009	\$5,172,009		
20			\$9,112,262		
21	Information Technology Services (49902).....	\$87,041,448	\$83,160,243		
22			\$93,715,996		
23	Accounting and Budgeting Services (49903).....	\$10,584,962	\$10,584,962		
24			\$8,442,856		
25	Human Resources Services (49914).....	\$5,714,069	\$5,714,069		
26			\$5,753,339		
27	Planning and Evaluation Services (49916).....	\$4,114,012	\$4,114,012		
28			\$4,210,812		
29	Procurement and Distribution Services (49918).....	\$3,900,031	\$3,900,031		
30			\$4,272,948		
31	Public Information Services (49919).....	\$2,851,040	\$3,675,650		
32			\$4,014,780		
33	Financial and Operational Audits (49929).....	\$386,311	\$386,311		
34			\$4,100,226		
35	Fund Sources: General.....	\$45,889,214	\$46,441,519		
36			\$52,578,807		
37	Special.....	\$175,000	\$175,000		
38	Dedicated Special Revenue.....	\$0	\$2,000,000		
39	Federal Trust.....	\$73,699,668	\$68,090,768		
40			\$78,869,412		
41	Authority: Title 63.2, Chapter 1; § 2.2-4000 et seq., Code of Virginia; P.L. 98-502, P.L.				
42	104-156, P.L. 104-193, P.L. 104-327, P.L. 105-33, as amended, P.L. 105-89, Federal				
43	Code; Titles IV-A, IV-B, IV-D, IV-E, XIX, XX, XXI of the federal Social Security Act,				
44	as amended.				
45	A. The Department of Social Services shall require localities to report all expenditures on				
46	designated social services, regardless of reimbursement from state and federal sources.				
47	The Department of Social Services is authorized to include eligible costs in its claim for				
48	Temporary Assistance for Needy Families Maintenance of Effort requirements.				
49	B. It is the intent of the General Assembly that the Commissioner, Department of Social				
50	Services shall work with localities that seek to voluntarily merge and consolidate their				
51	respective local departments of social services. No funds appropriated under this act shall				
52	be used to require a locality to merge or consolidate local departments of social services.				
53	C.1. Out of this appropriation, \$473,844 the first year and \$836,149 the second year from				
54	the general fund and \$969,542 the first year and \$1,331,847 the second year from				
55	nongeneral funds shall be provided to support the statewide 2-1-1 Information and				

ITEM 359.		Item Details(\$)		Appropriations(\$)	
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1	Referral System which provides resource and referral information on many of the specialized				
2	health and human resource services available in the Commonwealth, including child day care				
3	availability and providers in localities throughout the state, and publish consumer-oriented				
4	materials for those interested in learning the location of child day care providers.				
5	2. The Department of Social Services shall request that all state and local child-serving				
6	agencies within the Commonwealth be included in the Virginia Statewide Information and				
7	Referral System as well as any agency or entity that receives state general fund dollars and				
8	provides services to families and youth. The Secretary of Health and Human Resources, the				
9	Secretary of Education and Workforce, and the Secretary of Public Safety and Homeland				
10	Security shall assist in this effort by requesting all affected agencies within their secretariats				
11	to submit information to the statewide Information and Referral System and ensure that such				
12	information is accurate and updated annually. Agencies shall also notify the Virginia				
13	Information and Referral System of any changes in services that may occur throughout the				
14	year.				
15	3. The Department of Social Services shall communicate with child-serving agencies within				
16	the Commonwealth about the availability of the statewide Information and Referral System.				
17	This information shall also be communicated via the Department of Social Services' broadcast				
18	system on their agency-wide Intranet so that all local and regional offices can be better				
19	informed about the Statewide Information and Referral System. Information on the Statewide				
20	Information and Referral System shall also be included within the department's electronic				
21	mailings to all local and regional offices at least biannually.				
22	D.1. Within 30 days of awarding or amending any contract related to the Virginia Case				
23	Management System (VaCMS), the Department of Social Services (DSS) shall provide the				
24	Chairmen of the House Appropriations and Senate Finance <i>and Appropriations</i> Committees,				
25	and Director, Department of Planning and Budget with a copy of the contract, including any				
26	fiscal implications.				
27	2. Prior to the award of any contract that will potentially obligate the Commonwealth to future				
28	unappropriated spending, the department shall receive prior written concurrence from				
29	Director, Department of Planning and Budget. Any approved increases in funding requests				
30	shall be reported by DSS to the Chairmen of House Appropriations and Senate Finance <i>and</i>				
31	<i>Appropriations</i> Committees within 30 days.				
32	E. At least 60 days prior to the modification of any public guidance document, handbook,				
33	manual, or state plan, the Department of Social Services (DSS) shall provide written				
34	notification to the Governor and the Director of the Department of Planning and Budget as to				
35	the purpose of such change. This notice shall also assess whether the amendment may require				
36	any 1) future state regulatory action; 2) increase in local costs; and/or 3) any state expenditure				
37	beyond that which is appropriated in this Act. This notice does not exempt the agency from				
38	any requirements set forth within § 4-5.03 of this Act.				
39	F. The Superintendent of Public Instruction shall convene a work group to develop and				
40	establish a plan to transfer the Child Care Development Fund grant from the Virginia				
41	Department of Social Services to the Virginia Department of Education no later than July 1,				
42	2021. The work group shall include representatives of (i) the Secretariats of Education and				
43	Health and Human Resources; (ii) relevant state agencies, including the Department of				
44	Planning and Budget, the Office of the Attorney General, the Department of Education, and				
45	the Department of Social Services; (iii) relevant regulatory boards, including the Board of				
46	Education; and (iv) the House Committee on Appropriations and the Senate Committee on				
47	Finance and Appropriations. The goal of this transfer is to house responsibility of child care				
48	and education programs under one agency. The plan shall be submitted to the Governor, the				
49	Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and				
50	Director of the Department of Planning and Budget no later than August 15, 2020. Such plan				
51	shall confirm the funding amounts and positions that need to be transferred between the				
52	impacted agencies, and shall identify any savings or additional costs associated with the				
53	transfer of these programs. The review shall also assess any potential administrative impacts				
54	on the Department of Social Services and the Department of Education.				
55	H. The Department of Social Services shall report a detailed accounting, annually, of the				
56	agency's organization and operations. This report shall include an organizational chart that				
57	shows all full- and part-time positions (by job title) employed by the agency as well as the				

ITEM 359.		Item Details(\$)		Appropriations(\$)	
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1	current management structure and unit responsibilities. The report shall also provide a				
2	summary of organization changes implemented over the previous year. The report shall be				
3	made available on the department's website by August 15 of each year. For the report due				
4	August 15, 2020, the department shall provide a summary of all organizational changes				
5	implemented since January 1, 2018.				
6	I. Notwithstanding any other provision of law, the Department of Social Services (DSS)				
7	shall have temporary authority to make any changes to relevant State Plans, request				
8	waivers from applicable Federal agencies, change eligibility criteria for benefits and				
9	services, and payment levels for applicable programs in response to the COVID-19				
10	pandemic and new authorities and funding made available by the federal government to				
11	effect those policies necessary to ensure that benefits are available to eligible populations				
12	in response to COVID-19. Prior to the implementation of any change, DSS must receive				
13	written approval from the Governor. Within 15 days of implementing changes in response				
14	to COVID-19, DSS shall send a list of such actions to the Director, Department of				
15	Planning and Budget and the Chairs of the House Appropriations and Senate Finance and				
16	Appropriations Committees. The provisions of this paragraph, as well as any actions				
17	implemented under its authority, shall be in accordance with the Governor's emergency				
18	declaration for COVID-19 and be in effect for the period specified therein.				
19	J. Out of this appropriation, \$178,043 the first year from the federal Temporary Assistance				
20	for Needy Families (TANF) grant shall be provided to fund payment structure changes to				
21	implement one-time food benefit payments to families with children enrolled in Head				
22	Start.				
23	K. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from				
24	the general fund and \$125,000 the first year and \$125,000 the second year from				
25	nongeneral funds shall be appropriated to fund the replacement of the agency licensing				
26	system. Any unexpended general fund balance as of June 30, 2021, related to this				
27	paragraph shall be reappropriated to continue replacement of the agency licensing system.				
28	L. The Department of Social Services shall design, for consideration by the 2022 General				
29	Assembly, a program that provides a fixed reimbursement, which shall not exceed \$15				
30	monthly, for broadband service costs for select households currently participating in the				
31	Supplemental Nutrition Assistance Program. The reimbursement payments under the				
32	program shall be structured as a direct payment to a broadband provider selected by the				
33	qualifying program participant household, provided that the selected broadband provider				
34	offers a low-cost broadband service for low-income households within its service area in				
35	the Commonwealth. The department shall develop program guidelines in coordination				
36	with the Commonwealth Broadband Chief Advisor to govern eligibility for participation				
37	in the program and disbursement of program funds. The department shall report on the				
38	program design and structure, administrative cost estimates, program guidelines, and other				
39	relevant information related to implementing the program to the Chairs of the House				
40	Appropriations and Senate Finance and Appropriations Committees by November 1,				
41	2021.				
42	M. The Department of Social Services as administrator of the federal Community Services				
43	Block Grant shall establish an interagency working group to develop recommendations for				
44	implementation of local criminal justice diversion programs. Each diversion program				
45	should offer standards for providing persons charged with lower-level offenses				
46	alternatives to arrest, conviction or incarceration for lower-level offenses. The scope of				
47	these programs shall not include behavioral health issues as those priorities are being				
48	addressed elsewhere. The working group should include the appropriate offices and				
49	agencies of Health and Human Resources, Commerce and Trade, Public Safety and				
50	Homeland Security and the Governor's Chief Diversity, Equity and Inclusion Officer. The				
51	interagency working group shall work with community action agencies, local governments				
52	including local law enforcement, representatives of the judicial system, civil rights				
53	organizations as well as other stakeholders to develop locally-based solutions. The				
54	recommendations shall provide for two-generation whole family strategies that deal with				
55	meeting the needs of the potential offender and his or her entire family by addressing				
56	issues related to poverty, including homelessness. The Department of Social Services shall				
57	submit its recommendations to the Chairs of the House Appropriations Committee and the				
58	Senate Finance and Appropriations Committee no later than September 30, 2021.				

ITEM 359.			Item Details(\$)		Appropriations(\$)	
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1		N. Out of this appropriation, \$100,000 the second year from the general fund is provided for				
2		the Department of Social Services to increase interpretation and translation services to help				
3		immigrants in Virginia access local resources through 2-1-1, including healthcare, housing,				
4		and other social services.				
5	360.	Not set out.				
6	361.	Not set out.				
7	361.10	Not set out.				
8		Total for Department of Social Services.....			\$2,253,491,892	\$2,106,691,975
9						\$2,130,832,399
10		General Fund Positions.....	653.00	663.00		
11		Nongeneral Fund Positions.....	1,224.50	1,079.50		
12		Position Level.....	1,877.50	1,742.50		
13		Fund Sources: General.....	\$434,112,881	\$468,644,651		
14				\$470,241,998		
15		Special.....	\$698,695,315	\$697,516,427		
16				\$701,889,053		
17		Dedicated Special Revenue.....	\$9,244,920	\$11,944,920		
18				\$12,227,903		
19		Federal Trust.....	\$1,111,438,776	\$928,585,977		
20				\$946,473,445		
21	362.	Not set out.				
22	363.	Not set out.				
23	364.	Not set out.				
24	365.	Not set out.				
25	366.	Not set out.				
26	367.	Not set out.				
27	368.	Not set out.				
28	369.	Not set out.				
29	369.10	Not set out.				
30	370.	Not set out.				
31	371.	Not set out.				
32		TOTAL FOR OFFICE OF HEALTH AND HUMAN				
33		RESOURCES.....			\$22,158,912,664	\$23,689,617,791
34						\$24,281,847,915
35		General Fund Positions.....	8,294.65	8,466.65		
36		Nongeneral Fund Positions.....	6,404.12	6,309.12		
37				6,320.12		
38		Position Level.....	14,698.77	14,775.77		
39				14,786.77		
40		Fund Sources: General.....	\$6,555,620,290	\$7,692,316,925		
41				\$6,817,488,119		

ITEM 371.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Special.....	\$1,025,744,383	\$1,005,666,331		
2			\$1,010,038,957		
3	Enterprise.....	\$77,918,817	\$64,418,817		
4	Trust and Agency.....	\$1,724,096	\$1,724,096		
5	Dedicated Special Revenue.....	\$1,597,497,252	\$1,650,343,495		
6			\$1,740,174,509		
7	Federal Trust.....	\$12,900,407,826	\$13,275,148,127		
8			\$14,648,003,417		

ITEM 372.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1		OFFICE OF NATURAL RESOURCES				
2	372.	Not set out.				
3		§ 1-29. DEPARTMENT OF CONSERVATION AND RECREATION (199)				
4	373.	Not set out.				
5	374.	Leisure and Recreation Services (50400).....			\$74,254,316	\$84,086,747 \$84,516,747
6						
7		Preservation of Open Space Lands (50401).....	\$16,650,193	\$16,650,193		
8		Design and Construction of Outdoor Recreational				
9		Facilities (50403).....	\$894,593	\$894,593		
10		State Park Management and Operations (50404).....	\$50,210,466	\$50,932,897 \$51,362,897		
11						
12		Natural Outdoor Recreational and Open Space				
13		Resource Research, Planning, and Technical				
14		Assistance (50406).....	\$6,499,064	\$15,609,064		
15		Fund Sources: General.....	\$37,776,459	\$47,408,890 \$47,838,890		
16						
17		Special.....	\$27,511,003	\$27,711,003		
18		Dedicated Special Revenue.....	\$3,717,124	\$3,717,124		
19		Federal Trust.....	\$5,249,730	\$5,249,730		
20		Authority: Title 10.1, Chapters 1, 2, 3, 4, 4.1, and 17; Title 18.2, Chapters 1 and 5; Title 19.2,				
21		Chapters 1, 5, and 7, Code of Virginia.				
22		A.1. Included in the amounts for Preservation of Open Space Lands is \$10,000,000 the first				
23		year and \$10,000,000 the second year from the general fund to be deposited into the Virginia				
24		Land Conservation Fund, § 10.1-1020, Code of Virginia. No less than 50 percent of the				
25		appropriations remaining after the transfer to the Virginia Outdoors Foundation's Open-Space				
26		Lands Preservation Trust fund has been satisfied are to be used for grants for fee simple				
27		acquisitions with public access or acquisitions of easements with public access. This				
28		appropriation shall be deemed sufficient to meet the provisions of § 2.2-1509.4, Code of				
29		Virginia.				
30		2. Included in the amounts for Preservation of Open Space Lands is \$1,500,000 the first year				
31		and \$1,500,000 the second year from nongeneral funds to be deposited into the Virginia Land				
32		Conservation Fund to be distributed by the Virginia Land Conservation Foundation pursuant				
33		to the provisions of § 58.1-513, Code of Virginia.				
34		3. The Department of Conservation and Recreation and the Virginia Outdoors Foundation				
35		shall review the Hayfields Farm property, consisting of approximately 1,034.7 acres more or				
36		less in Highlands County, Virginia, Tax Parcel #68A17 and #68A18A, located at 524				
37		Hayfields Lane in McDowell, and make recommendations to the Chairs of the House				
38		Appropriations and Senate Finance and Appropriations Committees by October, 1 2020 on its				
39		suitability as a recreational area pursuant to §10.1-200 et. seq., Code of Virginia, for				
40		development as a state or regional park. In its review, the agencies shall consider (i)				
41		management of the area or park by a combination of public and private entities; (ii) potential				
42		user activities at the area or park including but not limited to camping, fishing, hiking, bird				
43		watching, equestrian activities, and biking; and (iii) operation of the area or park with only				
44		those improvements minimally necessary for activities listed herein and consistent with the				
45		preservation and protection of the property's conservation values and natural resources.				
46		B. Included in the amounts for Preservation of Open-Space Lands is \$1,752,750 the first year				
47		and \$1,752,750 the second year from the general fund and \$1,900,000 the first year and				
48		\$1,900,000 the second year from nongeneral funds for the operating expenses of the Virginia				
49		Outdoors Foundation (Title 10.1, Chapter 18, Code of Virginia).				
50		C.1. Out of the amounts appropriated for State Parks Management and Operations, up to				
51		\$275,000 the first year and \$275,000 the second year from the general fund shall be paid for				

ITEM 374.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	the operation and maintenance of Breaks Interstate Park.				
2	2. The Breaks Interstate Park Commission shall submit an annual audit of a fiscal and				
3	compliance nature of its accounts and transactions to the Auditor of Public Accounts, the				
4	Director, Department of Conservation and Recreation, and the Director, Department of				
5	Planning and Budget.				
6	3. The Breaks Interstate Park Commission shall, following the modernization of the				
7	Breaks Interstate Park electrical system, enter into negotiations to transfer control of the				
8	electrical system serving the park to a local regional electric utility.				
9	4. In addition to the amounts provided in paragraph C.1., the Department is authorized to				
10	provide \$1,412,000 the first year <i>and \$430,000 the second year</i> from the general fund for				
11	the modernization of the Rhododendron Restaurant and lodge unit repairs.				
12	D. Notwithstanding the provisions of § 10.1-202, Code of Virginia, amounts deposited to				
13	the State Park Conservation Resources Fund may be used for a program of in-state travel				
14	advertising. Such travel advertising shall feature Virginia State Parks and the localities or				
15	regions in which the parks are located. To the extent possible the department shall enter				
16	into cooperative advertising agreements with the Virginia Tourism Authority and local				
17	entities to maximize the effectiveness of expenditures for advertising. The department is				
18	further authorized to enter into a cooperative advertising agreement with the Virginia				
19	Association of Broadcasters.				
20	E. Upon completion of the construction of the Daniel Boone Wilderness Trail				
21	Interpretative Center, the Division of State Parks may accept transfer of the facility, 153				
22	acres of land, and \$450,000 for maintenance of the completed facility for operation as a				
23	satellite facility to Natural Tunnel State Park. It is the intent of the General Assembly that				
24	at such time as the facility, property, and cash are transferred to the Division of State				
25	Parks that positions and ongoing funding for the operation of the satellite facility shall be				
26	provided.				
27	F. The department is hereby authorized to enter into an agreement with the non-profit				
28	organization that currently owns Natural Bridge to open and operate the facility as a				
29	Virginia State Park. Included in the amount for this item is \$376,364 the first year and				
30	\$376,364 and five positions from the general fund to increase the operational capacity of				
31	Natural Bridge State Park including additional visitor experience, retail, and maintenance				
32	functions.				
33	G. Notwithstanding any other provision of the Code of Virginia, as a condition of the				
34	expenditure of all amounts included in this Item, the department shall not initiate or accept				
35	by gift, transfer or purchase with nongeneral funds any new lands for use as a State Park				
36	or Natural Area Preserve without a specific appropriation for such purpose by the General				
37	Assembly. However, the department is authorized to acquire land as expressly set out in				
38	Items C-27 and C-27.10 of Chapter 854, 2019 Acts of Assembly, as well as in-holdings or				
39	lands contiguous to an existing State Park or Natural Area Preserve as expressly set out in				
40	Items C-40 and C-41 of this act and as provided for in Section 4-2.01 a.1. of this act				
41	provided further that acquisitions authorized in Items C-40 and C-41 will not cause the				
42	department to incur additional operating expenses. It is not the intent of these provisions to				
43	prohibit any acquisitions resulting from mitigation settlements or to prohibit any				
44	additional operating expenses resulting from such acquisitions.				
45	H.1. Included in the amounts for State Park Management and Operations is \$590,944 the				
46	first year and \$590,944 the second year and six positions from the general fund for the				
47	initial start-up and ongoing operational costs for Phase I of Widewater State Park in				
48	Stafford County. It is the intent of the General Assembly that, as soon as practicable upon				
49	completion of Phase 1A, that the Department shall provide public access and proceed to				
50	regular revenue generating operations at the Park.				
51	2. The Department of Conservation and Recreation shall collaborate with Stafford County				
52	Public Schools, the Friends of Widewater State Park and other interested stakeholders				
53	regarding the Science and Environmental Center at Widewater State Park planned to be				
54	constructed as part of Phase III in order to ensure the facility is adequate to meet the needs				
55	of the community, curriculum collaboration opportunities with local schools, and other				

ITEM 374.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	needs; determine whether any design changes would further community environmental				
2	education goals; determine the availability of any grant, charitable or co-funding opportunities				
3	with Stafford County and/or Virginia higher educational institutions; determine the feasibility				
4	and costs of any design changes or the necessity of any Master Plan changes; and produce				
5	recommendations, if any, relating to such objectives.				
6	I. Included in the amount for this Item is \$198,752 the first year and \$198,752 the second year				
7	and two positions from the general fund to support the limited operation of Seven Bends State				
8	Park.				
9	J. Included in the amount for this Item is \$150,000 the first year and \$150,000 the second year				
10	from the nongeneral fund amounts appropriated in Item 451 A. for recreational access which				
11	shall be used to fabricate and install Supplemental Guide Signs for Virginia State Parks.				
12	K. The department is hereby authorized to enter into an agreement with the United States				
13	Forest Service that owns the Longdale Day Use Area to operate the facility as the Green				
14	Pastures Unit of Douthat State Park, an extension of Douthat State Park.				
15	L. The Department of Conservation and Recreation shall review the Brandy Station and Cedar				
16	Mountain properties and make recommendations to the Chairs of the House Appropriations				
17	and Senate Finance and Appropriations Committees by October 1, 2020 on their suitability as				
18	a historical and recreational area pursuant to §10.1-200 et. seq., Code of Virginia, or				
19	development as a state or regional park. In its review, the Department shall consider (i)				
20	management of the area or park by a combination of public and private entities; (ii) potential				
21	user activities at the area or park including heritage tourism, primitive camping, fishing, bow				
22	hunting, boating, equestrian activities, biking and historical and military education; and (iii)				
23	operation of the area or park with only those improvements minimally necessary for activities				
24	listed herein and consistent with the preservation and protection of existing historic, cultural,				
25	archaeological, and natural resources.				
26	N. The Director, Department of Conservation and Recreation, shall assess the feasibility of				
27	costs of (i) connecting Mason Neck State Park to a public water supply, and (ii) replacing				
28	equipment and providing necessary upgrades to the Park's current well water system. The				
29	Director shall report the findings and recommendations of the assessment to the Chairs of the				
30	House Appropriations and Senate Finance and Appropriations Committees no later than				
31	October 15, 2020.				
32	O. Included in the amount for this item, \$740,000 the first year from the general fund is				
33	provided to the City of Danville to develop Riverfront Park. This amount shall be matched by				
34	a local appropriation of at least \$740,000 prior to any disbursement from this Item.				
35	P. The Department of Conservation and Recreation shall, no later than November 1, 2021,				
36	provide to the Chairs of the House Committee on Appropriations and the Senate Committee				
37	on Finance and Appropriations an assessment of the feasibility for development of a linear				
38	park along the Shenandoah Valley rail corridor from Front Royal to Broadway, Virginia. The				
39	assessment shall include the potential timeline for abandonment of existing Norfolk Southern				
40	rail sections B51.0 to B84.0 and CW84.0 to CW99.5, anticipated annual user revenues, and				
41	all start-up and ongoing costs of operation as a satellite facility of Seven Bends and				
42	Shenandoah State Parks. The Departments of Transportation and Rail and Public				
43	Transportation shall provide any technical assistance as may be required in developing the				
44	cost assessment.				
45	Q. Out of the amounts in this Item, \$4,000,000 the second year from the general fund is				
46	provided to support Project Harmony, an environmental justice project to address the				
47	repatriation of tombstones from the former Columbian Harmony Cemetery and creation of the				
48	Harmony Living Shoreline memorial. These funds shall be used to support all aspects of the				
49	project to include but not limited to 1) locating, recovering and cataloging tombstones from				
50	the shoreline of the Potomac River at Chotank Creek Natural Area Preserve/Cedar Grove				
51	Farm, 2) logistical support and transportation of the tombstones to the New Harmony				
52	cemetery in Landover, Maryland to reunite the markers at the location where the human				
53	remains are now located, and 3) development, design, engineering and installation of the				
54	Harmony Living Shoreline memorial using remaining materials from the former Columbian				
55	Harmony Cemetery that cannot be recovered.				

ITEM 374.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	S. Included in the amounts for this item is \$1,511,600 the second year from the general				
2	fund to connect Mason Neck State Park to a public drinking water supply system.				
3	T. Out of the amounts in this item, \$350,000 the second year from the general fund is				
4	provided to assist the Mendota Trail Conservancy in the restoration of abandoned railroad				
5	trestles for conversion to use as a walking and cycling trail. <i>Any remaining balances shall</i>				
6	<i>not revert to the general fund and shall be carried forward to the subsequent fiscal year.</i>				
7	U. Out of the amounts in this item, \$2,000,000 the second year from the general fund is				
8	provided to the Northern Virginia Regional Park Authority for the purchase and				
9	conservation of River Farm in the City of Alexandria.				
10	<i>U. Out of the amounts in this item, \$2,000,000 the second year from the general fund is</i>				
11	<i>provided for the Department of Conservation and Recreation to establish a grant program</i>				
12	<i>for accessibility improvements at a property owned by a charity, formerly part of George</i>				
13	<i>Washington's estate, including the design and construction of ADA compliant public trails</i>				
14	<i>and viewing areas, driveway and parking areas, shoreline stabilization, passive use water</i>				
15	<i>access and riverbank restoration, and elimination of invasive plant species in</i>				
16	<i>coordination with the Virginia Outdoors Foundation.</i>				
17	V. Out of the amounts in this Item, \$3,500,000 the second year from the general fund is				
18	provided to the Chickahominy Tribe to assist in the acquisition and restoration of tribal				
19	land.				
20	375. Not set out.				
21	375.10 Not set out.				
22	Total for Department of Conservation and				
23	Recreation.....			\$190,914,399	\$210,589,859
24					\$211,019,859
25	General Fund Positions.....	435.50	443.50		
26	Nongeneral Fund Positions.....	46.50	46.50		
27	Position Level.....	482.00	490.00		
28	Fund Sources: General.....	\$133,055,585	\$152,531,045		
29			\$152,961,045		
30	Special.....	\$28,721,864	\$28,921,864		
31	Dedicated Special Revenue.....	\$15,968,326	\$15,968,326		
32	Federal Trust.....	\$13,168,624	\$13,168,624		
33	§ 1-30. DEPARTMENT OF ENVIRONMENTAL QUALITY (440)				
34	376. Land Protection (50900).....			\$27,719,477	\$29,379,311
35	Land Protection Permitting (50925).....	\$3,892,832	\$4,769,666		
36	Land Protection Compliance and Enforcement				
37	(50926).....	\$21,920,926	\$21,920,926		
38	Land Protection Outreach (50927).....	\$1,148,207	\$1,584,707		
39	Land Protection Planning and Policy (50928).....	\$757,512	\$1,104,012		
40	Fund Sources: General.....	\$1,118,504	\$2,778,338		
41	Special.....	\$1,658,065	\$1,658,065		
42	Trust and Agency.....	\$11,504,641	\$11,504,641		
43	Dedicated Special Revenue.....	\$7,278,037	\$7,278,037		
44	Federal Trust.....	\$6,160,230	\$6,160,230		
45	Authority: Title 10.1, Chapters 11.1, 11.2, 12.1, 14, and 25; Title 44, Chapter 3.5, Code of				
46	Virginia.				
47	A. It is the intent of the General Assembly that balances in the Virginia Environmental				
48	Emergency Response Fund be used to meet match requirements for U.S. Environmental				
49	Protection Agency Superfund State Support Contracts.				

ITEM 376.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	B. Notwithstanding the provisions of § 10.1-1422.3, Code of Virginia, \$1,807,575 in the first				
2	year and \$1,807,575 in the second year from the Waste Tire Trust Fund, and \$250,000 in the				
3	first year and \$250,000 in the second year from the Hazardous Waste Management Permit				
4	Fund within the Department of Environmental Quality shall be used for the costs associated				
5	with the Department's land protection and water programs. Such funds may be used for the				
6	purposes set forth in § 10.1-1422.3, Code of Virginia, at the Director's discretion and only as				
7	available after funding other land protection and water programs.				
8	C. The Department of Environmental Quality (DEQ) is directed to study the chemical				
9	conversion process referred to as Advanced Recycling, which includes the processes of				
10	pyrolysis, gasification, depolymerization and other processes which convert certain plastic				
11	waste into hydrocarbon raw materials. The study would include a survey of other states'				
12	approaches to regulation of Advanced Recycling, review of the operational history and				
13	environmental impacts of the industry, and recommendations for regulation of the industry in				
14	Virginia to ensure that the Commonwealth's air, water, land and other natural resources are				
15	fully protected. DEQ would include recommendations as to whether the Commonwealth's				
16	Solid Waste Management laws and Department regulations pursuant to 9VAC20-81-410 and				
17	relevant air and water permitting regulations would provide adequate regulation of the				
18	industry, or would require revision. The study would also invite input from a stakeholder				
19	advisory group convened by the agency, comprised of representatives of the chemical				
20	conversion industry, recycling industry, environmental organizations and community				
21	representatives. The Department shall provide a summary of its study and make				
22	recommendations on the regulation of the advanced recycling industry within a report				
23	submitted to the Chair of the House Agriculture Chesapeake and Natural Resources				
24	Committee and the Chair of the Senate Agriculture Conservation and Natural Resources				
25	Committee by December 31, 2021.				
26	D. The Department shall provide technical assistance to the City of Bristol in resolving				
27	ongoing health, environmental, and quality of life issues with its landfill and to facilitate a				
28	long-term plan for the operational status of the landfill following the completion of mitigation				
29	efforts.				
30	377. Water Protection (51200).....			\$44,585,173	\$54,521,149
31	Water Protection Permitting (51225).....	\$8,954,437	\$11,584,142		
32	Water Protection Compliance and Enforcement				
33	(51226).....	\$7,554,363	\$8,891,303		
34	Water Protection Outreach (51227).....	\$2,039,937	\$2,476,437		
35	Water Protection Planning and Policy (51228).....	\$8,451,889	\$8,435,790		
36	Water Protection Monitoring and Assessment				
37	(51229).....	\$9,974,265	\$15,523,195		
38	Water Protection Stormwater Management (51230)....	\$7,610,282	\$7,610,282		
39	Fund Sources: General.....	\$22,085,766	\$32,021,742		
40	Special.....	\$1,919,279	\$1,919,279		
41	Trust and Agency.....	\$25,500	\$25,500		
42	Dedicated Special Revenue.....	\$12,084,183	\$12,084,183		
43	Federal Trust.....	\$8,470,445	\$8,470,445		
44	Authority: Title 10.1, Chapter 11.1; and Title 62.1, Chapters 2, 3.1, 3.2, 3.6, 5, 6, 20, 22, 24,				
45	and 25, Code of Virginia.				
46	A. Out of this appropriation, \$51,500 the first year and \$51,500 the second year from the				
47	general fund is designated for annual membership dues for the Ohio River Valley Water				
48	Sanitation Commission.				
49	B.1. The permit fee regulations adopted by the State Water Control Board pursuant to				
50	paragraphs B.1. and B.2. of § 62.1-44.15:6, Code of Virginia, shall be set at an amount				
51	representing not more than 50 percent of the direct costs for the administration, compliance				
52	and enforcement of Virginia Pollutant Discharge Elimination System permits and Virginia				
53	Pollution Abatement permits.				
54	2. The regulations adopted by the State Water Control Board to initially implement the				
55	provisions of this Item shall be exempt from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of				

ITEM 377.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Title 2.2, Code of Virginia, and shall become effective no later than July 1, 2010.				
2	Thereafter, any amendments to the fee schedule described by these acts shall not be				
3	exempted from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2, Code of Virginia.				
4	C. Out of the appropriation for this Item, \$151,500 the first year and \$151,500 the second				
5	year from the general fund is designated for the annual membership dues for the Interstate				
6	Commission on the Potomac River Basin.				
7	D.1. Notwithstanding § 62.1-44.15:56, Code of Virginia, public institutions of higher				
8	education, including community colleges, colleges, and universities, shall be subject to				
9	project review and compliance for state erosion and sediment control requirements by the				
10	local program authority of the locality within which the land disturbing activity is located,				
11	unless such institution submits annual specifications to the Department of Environmental				
12	Quality, in accordance with § 62.1-44.15:56 A (i), Code of Virginia.				
13	2. The State Water Control Board is authorized to amend the Erosion and Sediment				
14	Control Regulations (9 VAC 25-840 et seq.) to conform such regulations with this project				
15	review requirement and to clarify the process. These amendments shall be exempt from				
16	Article 2 (§2.2-4006 et seq.) of the Administrative Process Act.				
17	E. Beginning October 1, 2015, there shall be a \$3.75 fee imposed on each dry ton of				
18	exceptional quality biosolids cake sewage sludge that is land applied pursuant to § 62.1-				
19	44.19:3P, Code of Virginia, until such fee is altered, amended or rescinded by the State				
20	Water Control Board.				
21	F.1. The Department shall work in conjunction with the Virginia Economic Development				
22	Partnership to facilitate the development of long-term offsetting methods within the				
23	Virginia Nutrient Credit Exchange as set out in Item 130 of this act.				
24	2. The Department shall work with permittees operating under the Chesapeake Bay				
25	Watershed Nutrient General Permit and interested stakeholders through a workgroup				
26	including local government representatives, the Chesapeake Bay Foundation and the				
27	James River Association to review the assumptions used in estimating the effluent nutrient				
28	concentrations and trends of wastewater facilities and to identify cost-effective options to				
29	achieve wastewater nutrient load levels with reasonable assurance consistent with the				
30	needs of the Chesapeake Bay TMDL Phase III Watershed Implementation Plan. The				
31	review shall be completed and provided to the Chairs of the House Appropriations				
32	Committee, the Senate Finance and Appropriations Committee, the House Committee on				
33	Agriculture, Chesapeake and Natural Resources, the Senate Committee on Agriculture,				
34	Conservation, and Natural Resources and the Virginia delegation of the Chesapeake Bay				
35	Commission by December 1, 2020. The Department shall continue issuing Water Quality				
36	Improvement Fund grants for additional nutrient removal projects in accordance with the				
37	appropriations under Items 379 and C-70 of this act and §§ 10.1-1186.01 and 10.1-2117 of				
38	the Code of Virginia.				
39	G. Notwithstanding any other provision of law, any Virginia Stormwater Management				
40	Program authority is authorized to charge a voluntary fee of \$30,000 for review of sites or				
41	areas within common plans of development or sale with land-disturbance acreage equal to				
42	or greater than 100 acres for an expedited stormwater management program plan review.				
43	Any individual or firm electing to pay the voluntary fee shall be guaranteed the total				
44	government review time shall not exceed 45 days excluding any applicant's time in				
45	responding to questions. Any amounts paid to DEQ above the \$9,600 fee shall be used by				
46	DEQ to increase the staffing level of the reviewers of these applications.				
47	H. Out of the amounts in this Item, \$2,736,330 the second year from the general fund is				
48	included for the purchase of laboratory and field equipment through the Commonwealth's				
49	Master Equipment Leasing Program.				
50	I. The Department shall assess current provisions of the Virginia Erosion and Sediment				
51	Control Act, Storm Water Management Act, and the Chesapeake Bay Preservation Act				
52	and identify any areas of inconsistency, conflict, and duplication within and among the				
53	existing administrative regulations across the three regulatory programs and analyze the				
54	impact on locally administered programs for MS4 permit localities under the Virginia				
55	Stormwater Management Act. A final report of the assessment, and all associated				

ITEM 377.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	recommendations for increasing the efficiency and improving the integration of the current				
2	regulatory framework, shall be submitted to the Governor and the General Assembly no later				
3	than April 1, 2021.				
4	J. Out of the amounts appropriated for this item, \$231,000 the first year and \$231,000 the				
5	second year is provided for regional water resource planning activities.				
6	K. The Department shall assess alternative reimbursement models and reimbursement				
7	amounts for nutrient removal grants provided to projects serving a locality or localities with:				
8	(i) high fiscal stress as defined by the Composite Fiscal Stress Index; (ii) median household				
9	incomes below the Commonwealth's average; and (iii) the capacity of ratepayers to absorb the				
10	additional costs of financing nutrient removal projects. The Department shall provide a report				
11	detailing its findings and recommendations to the Chairs of the House Appropriations and				
12	Senate Finance and Appropriations Committees no later than December 15, 2020.				
13	L.1. Out of the amounts appropriated for this item, \$1,100,000 the second year from the				
14	general fund is to be deposited in the Virginia Stormwater Management Fund.				
15	2. Notwithstanding § 62.1-44.15:28, as it is currently effective and as it shall become				
16	effective, Code of Virginia, the permit fee regulations adopted by the State Water Control				
17	Board pursuant to § 62.1-44.15:28, as it is currently effective and as it shall become effective,				
18	Code of Virginia, for the Virginia Pollutant Discharge Elimination System Permit for				
19	Discharges of Stormwater from Construction Activities and municipal separate storm sewer				
20	system permits shall be set at an amount representing no less than 60 percent, not to exceed				
21	62 percent, of the direct costs for the administration, compliance and enforcement of Virginia				
22	Pollutant Discharge Elimination System Permit for Discharges of Stormwater from				
23	Construction Activities and municipal separate storm sewer system permits. To the extent				
24	practicable, the Board shall solicit input from affected stakeholders when establishing the new				
25	fee structure.				
26	3. Notwithstanding § 62.1-44.19:20, Code of Virginia, the application fee schedule adopted				
27	by the State Water Control Board pursuant to § 62.1-44.19:20, Code of Virginia, shall be set				
28	at an amount representing no less than 60 percent, not to exceed 62 percent, of the direct costs				
29	for the administration, compliance and enforcement of the nutrient credit certification				
30	program. To the extent practicable, the Board shall solicit input from affected stakeholders				
31	when establishing the new fee structure.				
32	M. Out of the amounts appropriated for this item, \$175,000 the second year from the general				
33	fund is provided for a research project to field test the effectiveness of using halophytes				
34	growing in biochar-amended soil to capture and remove salt from highway and parking lot				
35	stormwater runoff.				
36	N. The Director of the Department of Environmental Quality shall convene a working group				
37	for the purpose of developing an annual or project-based fee schedule for the review of				
38	erosion and sediment control plans related to solar energy project applications. The working				
39	group shall include representatives of (i) private sector companies that own or operate solar				
40	energy facilities, (ii) local governments that permit solar facilities, and (iii) other stakeholders				
41	determined by the Department to be necessary to the development of the fee schedule.				
42	O. The Department of Environmental Quality, in consultation with the Department of				
43	Agriculture and Consumer Services and the Department of Forestry, shall establish a				
44	workgroup to review the practice of retiring agricultural land for the generation of nutrient				
45	credits and determine its impact on agricultural sustainability, farmland retention, farmland				
46	preservation, and functions of the nutrient credit exchange in the Virginia portion of the				
47	Chesapeake Bay watershed and its subwatersheds. If it is determined that there is impact on				
48	farmland retention/availability, the report should include recommendations regarding how the				
49	nutrient credit trading regulations and/or underlying statutory authority should be changed to				
50	help reduce the loss of prime farmland. If the land for nutrient credits is converted to				
51	forestland, the workgroup should identify what protections are in the nutrient credit trading				
52	regulations to ensure the forestland is managed under a forestry management plan and/or				
53	noxious weed or invasive species are controlled. The review shall be completed and provided				
54	to the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources, the				
55	Senate Committee on Agriculture, Conservation, and Natural Resources and the Virginia				
56	delegation of the Chesapeake Bay Commission by December 1, 2021. The workgroup shall				

ITEM 377.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	include representatives of the Virginia Agribusiness Council, Virginia Farm Bureau, the				
2	Chesapeake Bay Commission, Virginia Cooperative Extension, the Virginia Department				
3	of Transportation, Home Builders Association of Virginia, Virginia Association for				
4	Commercial Real Estate, representatives from local Soil and Water Conservation Districts,				
5	representatives of local governments, local economic development officials, and other				
6	stakeholders deemed appropriate by the Department.				
7	P. The Department of Environmental Quality shall convene a workgroup, in conjunction				
8	with the Department of Health and the Department of Agriculture and Consumer Services,				
9	to conduct research and complete a single collaborative report that provides findings and				
10	recommendations related to: (i) the location, frequency, and severity of harmful algae				
11	blooms in Virginia waters; (ii) the factors that lead to the formation and occurrence of				
12	harmful algae blooms; and, (iii) plans and strategies for state agencies to lead or support				
13	appropriate mitigation efforts. The workgroup shall provide its findings to the Chairs of				
14	the House Agriculture, Chesapeake and Natural Resources Committee and Senate				
15	Agriculture, Conservation and Natural Resources Committee no later than September 1,				
16	2021.				
17	378. Not set out.				
18	379. Not set out.				
19	380. Not set out.				
20	380.10 Not set out.				
21	Total for Department of Environmental Quality.....			\$184,719,790	\$223,294,051
22	General Fund Positions.....	413.50	416.50		
23	Nongeneral Fund Positions.....	564.50	564.50		
24	Position Level.....	978.00	981.00		
25	Fund Sources: General.....	\$42,863,491	\$81,437,752		
26	Special.....	\$9,578,011	\$9,578,011		
27	Enterprise.....	\$13,091,877	\$13,091,877		
28	Trust and Agency.....	\$38,274,531	\$38,274,531		
29	Dedicated Special Revenue.....	\$51,586,558	\$51,586,558		
30	Federal Trust.....	\$29,325,322	\$29,325,322		
31	381. Not set out.				
32	382. Not set out.				
33	383. Not set out.				
34	384. Not set out.				
35	385. Not set out.				
36	386. Not set out.				
37	386.10 Not set out.				
38	387. Not set out.				
39	388. Not set out.				
40	389. Not set out.				
41	390. Not set out.				

ITEM 390.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	390.10	Not set out.				
2		TOTAL FOR OFFICE OF NATURAL				
3		RESOURCES.....			\$493,463,655	\$540,243,113
4						\$544,573,113
5		General Fund Positions.....	1,022.00	1,036.50		
6		Nongeneral Fund Positions.....	1,157.00	1,157.00		
7		Position Level.....	2,179.00	2,193.50		
8		Fund Sources: General.....	\$209,284,760	\$257,090,159		
9				\$257,520,159		
10		Special.....	\$47,130,378	\$47,215,078		
11		Commonwealth Transportation.....	\$429,410	\$429,410		
12		Enterprise.....	\$13,091,877	\$13,091,877		
13		Trust and Agency.....	\$38,274,531	\$38,274,531		
14		Dedicated Special Revenue.....	\$120,967,183	\$119,856,542		
15				\$123,756,542		
16		Federal Trust.....	\$64,285,516	\$64,285,516		

ITEM 391.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY			
2	391.	Not set out.		
3	392.	Not set out.		
4	393.	Not set out.		
5	394.	Not set out.		
6	395.	Not set out.		
7	§ 1-31. DEPARTMENT OF CORRECTIONS (799)			
8	396.	Not set out.		
9	397.	Not set out.		
10	397.10	Not set out.		
11	398.	Not set out.		
12	399.	Not set out.		
13	400.	Not set out.		
14	401.	Prison Medical and Clinical Services (39700).....	\$229,529,761	\$247,060,267
15				\$253,838,582
16		Comprehensive Healthcare Facility Contract Costs		
17		(39701).....	\$79,355,775	\$82,868,740
18				\$76,434,542
19		Offsite Healthcare Costs (39702).....	\$28,272,832	\$36,294,698
20				\$29,223,082
21		Pharmaceutical Costs (39703).....	\$41,727,190	\$44,525,599
22				\$49,504,357
23		Department of Corrections-managed Facility		
24		Healthcare Costs (39704).....	\$80,173,964	\$83,371,230
25				\$98,676,601
26		Fund Sources: General.....	\$228,042,584	\$245,573,090
27				\$252,351,405
28		Special.....	\$566,137	\$566,137
29		Federal Trust.....	\$921,040	\$921,040
30	Authority: §§ 53.1-1, 53.1-5, 53.1-8, and 53.1-10, Code of Virginia.			
31	A. Out of this appropriation, \$921,040 the first year and \$921,040 the second year from			
32	nongeneral funds is included for inmate medical costs. The sources of the nongeneral			
33	funds are an award from the State Criminal Alien Assistance Program, administered by			
34	the U.S. Department of Justice.			
35	B. The Department of Corrections shall continue to coordinate with the Department of			
36	Medical Assistance Services and the Department of Social Services to enroll eligible			
37	inmates in Medicaid. To the extent possible, the Department of Corrections shall work to			
38	identify potentially eligible inmates on a proactive basis, prior to the time inpatient			
39	hospitalization occurs. Procedures shall also include provisions for medical providers to			
40	bill the Department of Medical Assistance Services, rather than the Department of			
41	Corrections, for eligible inmate inpatient medical expenses. Due to the multiple payor			
42	sources associated with inpatient and outpatient health care services, the Department of			
43	Corrections and the Department of Medical Assistance Services shall consult with the			

ITEM 401.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	applicable provider community to ensure that administrative burdens are minimized and			
2	payment for health care services is rendered in a prompt manner.			
3	C. Included in the appropriation for this item is funding for the first year and the second year			
4	from the general fund for six medical contract monitors. The persons filling these positions			
5	shall have the responsibility of closely monitoring the adequacy and quality of inmate medical			
6	services in those correctional facilities for which the department has contracted with a private			
7	vendor to provide inmate medical services.			
8	D. The Department of Corrections shall assess the costs, benefits, and feasibility of adopting a			
9	"subscription model" for the purchase of Hepatitis C antiviral medication and necessary			
10	ancillary services (i) for a pre-determined period of time and (ii) at an annual fixed rate to be			
11	administered to state-responsible inmates held in state correctional facilities. The assessment			
12	shall include an evaluation of the terms and conditions of models adopted for correctional			
13	systems operated by other state and local governments, and the feasibility of implementing			
14	such models in Virginia. The scope of this assessment shall not preclude the collection of			
15	appropriate non-proprietary information from pharmaceutical manufacturers, if such			
16	information is deemed necessary by the department to complete the assessment. The			
17	department shall report the findings of its assessment, and any relevant recommendations, to			
18	the Secretary of Public Safety and Homeland Security and the Chairs of the House			
19	Appropriations and Senate Finance and Appropriations Committees no later than November			
20	30, 2020.			
21	E. The workgroup convened pursuant to Item 390, Paragraph R of Chapter 854, 2019 Acts of			
22	Assembly, shall be continued. The workgroup shall annually report on the progress and			
23	outcomes of the university medical pilots authorized in this Item. The report shall be provided			
24	to the Chairs of the House Appropriations and Senate Finance and Appropriations			
25	Committees no later than October 15 of each year.			
26	402.	Not set out.		
27	402.10	Not set out.		
28	Total for Department of Corrections.....		\$1,382,370,211	\$1,403,222,002
29				\$1,410,000,317
30	General Fund Positions.....	12,344.00	12,442.00	
31	Nongeneral Fund Positions.....	233.50	233.50	
32	Position Level.....	12,577.50	12,675.50	
33	Fund Sources: General.....	\$1,311,715,535	\$1,335,567,326	
34			\$1,342,345,641	
35	Special.....	\$66,084,284	\$63,084,284	
36	Dedicated Special Revenue.....	\$2,739,074	\$2,739,074	
37	Federal Trust.....	\$1,831,318	\$1,831,318	
38	§ 1-32. DEPARTMENT OF CRIMINAL JUSTICE SERVICES (140)			
39	403.	Not set out.		
40	404.	Not set out.		
41	405.	Not set out.		
42	406.	Financial Assistance for Administration of Justice		
43		Services (39000).....	\$150,634,849	\$148,587,958
44				\$149,034,505
45	Criminal Justice Assistance Grants (39002).....	\$141,622,430	\$139,270,230	
46	Criminal Justice Grants Fiscal Management Services			
47	(39003).....	\$685,074	\$741,969	
48	Criminal Justice Policy and Program Services			
49	(39004).....	\$8,327,345	\$8,575,759	
50			\$9,022,306	

ITEM 406.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Fund Sources: General.....	\$56,724,275	\$50,677,384		
2			\$51,123,931		
3	Special.....	\$6,624	\$6,624		
4	Trust and Agency.....	\$4,298,130	\$4,298,130		
5	Dedicated Special Revenue.....	\$13,605,820	\$13,605,820		
6	Federal Trust.....	\$76,000,000	\$80,000,000		
7	Authority: Title 9.1, Chapter 1, Code of Virginia.				
8	A.1. This appropriation includes an estimated \$4,800,000 the first year and an estimated				
9	\$4,800,000 the second year from federal funds pursuant to the Omnibus Crime Control				
10	Act of 1968, as amended. Of these amounts, ten percent is available for administration,				
11	and the remainder is available for grants to state agencies and local units of government.				
12	The remaining federal funds are to be passed through as grants to localities, with a				
13	required 25 percent local match. Also included in this appropriation is \$452,128 the first				
14	year and \$452,128 the second year from the general fund for the required matching funds				
15	for state agencies.				
16	2. The Department of Criminal Justice Services shall provide a summary report on federal				
17	anti-crime and related grants which will require state general funds for matching purposes				
18	during FY 2013 and beyond. The report shall include a list of each grant and grantee, the				
19	purpose of the grant, and the amount of federal and state funds recommended, organized				
20	by topical area and fiscal period. The report shall indicate whether each grant represents a				
21	new program or a renewal of an existing grant. Copies of this report shall be provided to				
22	the Chairmen of the Senate Finance and House Appropriations Committees and the				
23	Director, Department of Planning and Budget by January 1 of each year.				
24	B. The Department of Criminal Justice Services is authorized to make grants and provide				
25	technical assistance out of this appropriation to state agencies, local governments,				
26	regional, and nonprofit organizations for the establishment and operation of programs for				
27	the following purposes and up to the amounts specified:				
28	1.a. Regional training academies for criminal justice training, \$1,001,074 the first year and				
29	\$1,001,074 the second year from the general fund and an estimated \$1,649,315 the first				
30	year and an estimated \$1,649,315 the second year from nongeneral funds. The Criminal				
31	Justice Services Board shall adopt such rules as may reasonably be required for the				
32	distribution of funds and for the establishment, operation and service boundaries of state-				
33	supported regional criminal justice training academies.				
34	b. The Board of Criminal Justice Services, consistent with § 9.1-102, Code of Virginia,				
35	and § 6VAC-20-20-61 of the Administrative Code, shall not approve or provide funding				
36	for the establishment of any new criminal justice training academy from July 1, 2020,				
37	through June 30, 2022.				
38	c. Notwithstanding subsection B.1.b. of this item, the Board of Criminal Justice Services				
39	may approve a new regional criminal justice academy serving the Counties of Clarke,				
40	Frederick, and Warren; the City of Winchester; the Towns of Berryville, Front Royal,				
41	Middletown, Stephens City and Strasburg; the Northwestern Adult Detention Center; and,				
42	the Frederick County Emergency Communications Center, to be established and operated				
43	consistent with a written agreement, provided to the Board, between the local governing				
44	bodies, chief executive officers, and chief law enforcement officers of the aforementioned				
45	localities, and the Rappahannock Regional Criminal Justice Academy. The new academy				
46	shall be eligible to receive state funding in a manner consistent with the currently existing				
47	regional criminal justice training academies. However, no current existing regional				
48	criminal justice training academy other than the Rappahannock Regional Criminal Justice				
49	Academy will receive less funding as a result of the creation of the new regional academy.				
50	2. Virginia Crime Victim-Witness Fund, \$5,692,738 the first year and \$5,692,738 the				
51	second year from dedicated special revenue, and \$943,700 the first year and \$943,700 the				
52	second year from the general fund. The Department of Criminal Justice Services shall				
53	provide a report on the current and projected status of federal, state and local funding for				
54	victim-witness programs supported by the Fund. Copies of the report shall be provided				
55	annually to the Secretary of Public Safety and Homeland Security, the Department of				

ITEM 406.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations				
2	Committees by October 16 of each year.				
3	3.a. Court Appointed Special Advocate (CASA) programs, \$1,615,000 the first year and				
4	\$1,615,000 the second year from the general fund.				
5	b. In the event that the federal government reduces or removes support for the CASA				
6	programs, the Governor is authorized to provide offsetting funding for those impacted				
7	programs out of the unappropriated balances in this Act.				
8	4. Domestic Violence Fund, \$3,000,000 the first year and \$3,000,000 the second year from				
9	the dedicated special revenue fund to provide grants to local programs and prosecutors that				
10	provide services to victims of domestic violence.				
11	5. Pre and Post-Incarceration Services (PAPIS), \$2,786,144 the first year and \$3,286,144 the				
12	second year from general fund to support pre and post incarceration professional services and				
13	guidance that increase the opportunity for, and the likelihood of, successful reintegration into				
14	the community by adult offenders upon release from prisons and jails.				
15	6. To the Department of Behavioral Health and Developmental Services for the following				
16	activities and programs: (i) a partnership program between a local community services board				
17	and the district probation and parole office for a jail diversion program; (ii) forensic discharge				
18	planners; (iii) advanced training on veterans' issues to local crisis intervention teams; and (iv)				
19	cross systems mapping targeting juvenile justice and behavioral health.				
20	7. To the Department of Corrections for the following activities and programs: (i) community				
21	residential re-entry programs for female offenders; (ii) establishment of a pilot day reporting				
22	center; and (iii) establishment of a pilot program whereby non-violent state offenders would				
23	be housed in a local or regional jail, rather than a prison or other state correctional facility,				
24	with rehabilitative services provided by the jail.				
25	8. To Drive to Work, \$75,000 the first year and \$75,000 the second year from the general				
26	fund and \$75,000 the first year and \$75,000 the second year from such federal funds as may				
27	be available to provide assistance to low income and previously incarcerated persons to				
28	restore their driving privileges so they can drive to work and keep a job.				
29	9. For model addiction recovery programs administered in local or regional jails, \$153,600 the				
30	first year and \$153,600 the second year from the general fund. The Department of Criminal				
31	Justice Services, consistent with the provisions of Chapter 758, 2017 Acts of Assembly, shall				
32	award grants not to exceed \$38,400 to four pilot programs selected in consultation with the				
33	Department of Behavioral Health and Developmental Services.				
34	C.1. Out of this appropriation, \$26,540,378 the first year and \$27,690,378 the second year				
35	from the general fund is authorized to make discretionary grants and to provide technical				
36	assistance to cities, counties or combinations thereof to develop, implement, operate and				
37	evaluate programs, services and facilities established pursuant to the Comprehensive				
38	Community Corrections Act for Local-Responsible Offenders (§§ 9.1-173 through 9.1-183				
39	Code of Virginia) and the Pretrial Services Act (§§ 19.2-152.2 through 19.2-152.7, Code of				
40	Virginia). Out of these amounts, the Director, Department of Criminal Justice Services, is				
41	authorized to expend no more than five percent per year for state administration of these				
42	programs.				
43	2. The Department of Criminal Justice Services, in conjunction with the Office of the				
44	Executive Secretary of the Supreme Court and the Virginia Criminal Sentencing Commission,				
45	shall conduct information and training sessions for judges and other judicial officials on the				
46	programs, services and facilities available through the Pretrial Services Act and the				
47	Comprehensive Community Corrections Act for Local-Responsible Offenders.				
48	D.1. Out of this appropriation, \$225,000 the first year and \$225,000 the second year from the				
49	general fund is provided for Comprehensive Community Corrections and Pretrial Services				
50	Programs for localities that belong to the Central Virginia Regional Jail Authority. These				
51	amounts are seventy-five percent of the costs projected in the community-based corrections				
52	plan submitted by the Authority. The localities shall provide the remaining twenty-five				
53	percent as a condition of receiving these funds.				

ITEM 406.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	2. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the				
2	general fund is provided for Comprehensive Community Corrections and Pretrial Services				
3	Programs for localities that belong to the Southwest Virginia Regional Jail Authority.				
4	These amounts are seventy-five percent of the costs projected in the community-based				
5	corrections plan submitted by the Authority. The localities shall provide the remaining				
6	twenty-five percent as a condition of receiving these funds.				
7	E. In the event the federal government should make available additional funds pursuant to				
8	the Violence Against Women Act, the department shall set aside 33 percent of such funds				
9	for competitive grants to programs providing services to domestic violence and sexual				
10	assault victims.				
11	F.1. Out of this appropriation, \$4,700,000 the first year and \$4,700,000 the second year				
12	from the general fund and \$1,710,000 the first year and \$1,710,000 the second year from				
13	such federal funds as are available shall be deposited to the School Resource Officer				
14	Incentive Grants Fund established pursuant to § 9.1-110, Code of Virginia.				
15	2.a. The Director, Department of Criminal Justice Services, is authorized to expend				
16	\$410,877 the first year and \$410,877 the second year from the School Resource Officer				
17	Incentive Grants Fund to operate the Virginia Center for School Safety, pursuant to § 9.1-				
18	110, Code of Virginia.				
19	b. The Center for School Safety shall provide a grant of \$100,000 in the first year and				
20	\$100,000 in the second year to the York County-Poquoson Sheriff's Office for the				
21	statewide administration of the Drug Abuse Resistance Education (DARE) program.				
22	3. Subject to the development of criteria for the distribution of grants from the fund,				
23	including procedures for the application process and the determination of the actual				
24	amount of any grant issued by the department, the department shall award grants to either				
25	local law-enforcement agencies, where such local law-enforcement agencies and local				
26	school boards have established a collaborative agreement for the employment of school				
27	resource officers, as such positions are defined in § 9.1-101, Code of Virginia, for the				
28	employment of school resource officers, or to local school divisions for the employment				
29	of school security officers, as such positions are defined in § 9.1-101, Code of Virginia,				
30	for the employment of school security officers in any public school. The application				
31	process shall provide for the selection of either school resource officers, school security				
32	officers, or both by localities. The department shall give priority to localities requesting				
33	school resource officers, school security officers, or both where no such personnel are				
34	currently in place. Localities shall match these funds based on the composite index of				
35	local ability-to-pay.				
36	4. Included in this appropriation is \$202,300 the first year and \$202,300 the second year				
37	from the general fund for the implementation of a model critical incident response training				
38	program for public school personnel and others providing services to public schools, and				
39	the maintenance of a model policy for the establishment of threat assessment teams for				
40	each public school, including procedures for the assessment of and intervention with				
41	students whose behavior poses a threat to the safety of public school staff or other				
42	students.				
43	5. Included in the amounts appropriated for this item is \$132,254 the first year and				
44	\$132,254 the second year from the general fund for the purposes of collection and analysis				
45	of data related to school resource officers, pursuant to House Bill 271 of the 2020 Session				
46	of the General Assembly.				
47	G. Included in the amounts appropriated in this Item is \$2,500,000 the first year and				
48	\$2,500,000 the second year from the general fund for grants to local sexual assault crisis				
49	centers (SACCs) and domestic violence programs to provide core and comprehensive				
50	services to victims of sexual and domestic violence, including ensuring such services are				
51	available and accessible to victims of sexual assault and dating violence committed				
52	against college students on- and off-campus.				
53	H.1. Out of the amounts appropriated for this Item, \$2,658,420 the first year and				
54	\$2,658,420 the second year from nongeneral funds and \$446,547 the second year from the				
55	general fund is provided, to be distributed as follows: for the Southern Virginia Internet				

ITEM 406.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Crimes Against Children Task Force, \$1,450,000 the first year and \$1,450,000 \$1,896,547 the				
2	second year; and, for the creation of a grant program to law enforcement agencies for the				
3	prevention of internet crimes against children, \$1,208,420 the first year and \$1,208,420 the				
4	second year.				
5	2. The Southern Virginia and Northern Virginia Internet Crimes Against Children Task				
6	Forces shall each provide an annual report, in a format specified by the Department of				
7	Criminal Justice Services, on their actual expenditures and performance results. Copies of				
8	these reports shall be provided to the Secretary of Public Safety and Homeland Security, the				
9	Chairmen of the Senate Finance and House Appropriations Committees, and Director,				
10	Department of Planning and Budget prior to the distribution of these funds each year.				
11	3. Subject to compliance with the reports and distribution thereof as required in paragraph 2				
12	above, the Governor shall allocate all additional funding, not to exceed actual collections, for				
13	the prevention of Internet Crimes Against Children, pursuant to § 17.1-275.12, Code of				
14	Virginia.				
15	I. Out of the amounts appropriated for this item, \$50,000 the first year and \$50,000 the second				
16	year from the general fund is provided for training to local law enforcement to aid in their				
17	identifying and interacting with individuals suffering from Alzheimer's and/or dementia.				
18	J.1. Included in the appropriation for this item is \$2,500,000 the first year and \$2,500,000 the				
19	second year from the general fund to continue the pilot programs authorized in Item 398,				
20	Chapter 836, 2017 Acts of Assembly. The number of pilot sites shall not be expanded beyond				
21	those participating in the pilot program the first year.				
22	2. The funding provided to each pilot site shall supplement, not supplant, existing local				
23	spending on these services. Distribution of grant amounts shall be made quarterly pursuant to				
24	the conditions of paragraph J.3. of this item.				
25	3. The Department shall collect on a quarterly basis qualitative and quantitative data of pilot				
26	site performance, to include: (i) mental health screenings and assessments provided to				
27	inmates, (ii) mental health treatment plans and services provided to inmates, (iii) jail safety				
28	incidents involving inmates and jail staff, (iv) the provision of appropriate services after				
29	release, (v) the number of inmates re-arrested or re-incarcerated within 90 days after release				
30	following a positive identification for mental health disorders in jail or the receipt of mental				
31	health treatment within the facility. The Department shall provide a report on its findings to				
32	the Chairmen of the House Appropriations and Senate Finance Committees no later than				
33	October 15th each year.				
34	4. The department is authorized to expend up to \$125,000 per year out of the amounts				
35	allocated in Paragraph J.1. of this item for costs related to the administration of the jail mental				
36	health pilot program.				
37	K. Included in the appropriations for this Item is \$300,000 the first year and \$300,000 the				
38	second year from the general fund for the Department of Criminal Justice Services to make				
39	competitive grants to nonprofit organizations to support services for law enforcement,				
40	including post critical incident seminars and peer-supported critical incident stress				
41	management programs to promote officer safety and wellness, under guidelines to be				
42	established by the Department. The Department shall evaluate the effectiveness of the				
43	program and report on its findings to the Secretary of Public Safety and Homeland Security,				
44	the Director of the Department of Planning and Budget, and the Chairmen of the House				
45	Appropriations and Senate Finance Committees by July 1, 2022.				
46	L. Included in the appropriation for this item is \$916,066 in the first year and \$916,066 in the				
47	second year from the general fund for the Virginia Beach Correctional Center for the Jail and				
48	Re-entry Service Coordination Pathway, which is a joint operation between the Virginia				
49	Beach Department of Human Services and the Virginia Beach Sheriff's Office. The program				
50	consists of diversion, screening, assessment, treatment, and re-entry services for all				
51	incarcerated individuals with an active mental illness or substance use disorder diagnosis.				
52	M. Included in this appropriation for this item, \$2,645,244 the first year and \$193,658 the				
53	second year from the general fund and two positions for the Department of Criminal Justice				
54	Services to make competitive grants to five localities to support evidence-based gun violence				

ITEM 406.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	intervention and prevention initiatives. The Department shall evaluate the implementation				
2	and effectiveness of the programs in each locality that received the award, and provide a				
3	report that details the amount awarded, its findings and recommendations to the Governor,				
4	Secretary of Public Safety and Homeland Security, Director of the Department of				
5	Planning and Budget, and the Chairmen of the House Appropriations and the Senate				
6	Finance Committees by November 1, 2021. The funding provided to each locality shall				
7	supplement, not supplant, existing local spending on these services.				
8	N. Out of the appropriation in this item, \$1,500,000 the second year from the general fund				
9	is allocated for the Department of Criminal Justice Services to make competitive grants				
10	to localities to combat hate crimes, including but not limited to target hardening activities,				
11	contractual security services, critical technology infrastructure, cybersecurity resilience				
12	activities, monitoring, inspection and screening systems; security-related training for				
13	employed or volunteer security staff; and terrorism awareness training for employees. The				
14	funds appropriated in this item shall be distributed to localities that have established a				
15	partnership program with institutions or nonprofit organizations that have been targets of				
16	or are at risk of being targeted for hate crimes. The Department shall establish grant				
17	guidelines to implement these provisions and shall provide a biennial or annual request for				
18	funding from localities, based on the guidelines. For each grant requested, the application				
19	shall document the need for the grant, goals, and budget expenditure of these funds and				
20	any other sources that may be committed by localities, institutions or nonprofit				
21	organizations. Funding provided in this item shall not be used to supplant the funding				
22	provided by localities to combat hate crimes.				
23	P. Out of this appropriation, \$500,000 the first year from the general fund is provided for				
24	the Department of Criminal Justice Services to award grants to localities for training				
25	related to enforcement of the removal of firearms based on substantial risk protective				
26	orders.				
27	R. Out of this appropriation, \$150,000 the first year from the general fund is provided for				
28	community assessments for youth and gang violence prevention initiatives in Hampton,				
29	Newport News, Norfolk, Richmond, Roanoke, and Petersburg.				
30	S.1. Included within the appropriation for this item is \$6,402,200 in the first year from the				
31	general fund for the Department to make one-time grants to law enforcement agencies				
32	located in the Commonwealth employing law enforcement officers with primary law				
33	enforcement duties, including but not limited to state agencies, local agencies, and				
34	colleges and universities, for the purpose of purchasing, operating, and maintaining body-				
35	worn camera systems. Qualified uses for grant funds shall include one-time costs				
36	associated with such body-worn camera systems, to include equipment, data storage, and				
37	technology costs, and other one-time costs associated with the purchase, operation, and				
38	maintenance of body-worn camera systems, as determined to be eligible by the				
39	Department.				
40	2. The funding in this paragraph also includes \$56,895 in the first year and \$113,790 in the				
41	second year from the general fund for a coordinator position to manage the Body Worn				
42	Camera Grant.				
43	3. Any distributions made to a local law enforcement agency under this paragraph shall				
44	require a 50 percent match from local fund sources.				
45	4. The Department shall report on the distributions made under the Grant to the Chairs of				
46	the House Appropriations and the Senate Finance and Appropriations Committees by				
47	September 30, 2021. The report shall include information on distributions made by				
48	agency, description and amount of equipment purchased per agency, and any balances				
49	remaining from this funding.				
50	T. Included in the appropriation for this item is \$250,000 the second year from the general				
51	fund as a one-time appropriation for the Big H.O.M.I.E.S. program.				
52	407. Not set out.				
53	408. Not set out.				

ITEM 409.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	409.	Not set out.				
2	409.10	Not set out.				
3		Total for Department of Criminal Justice Services.....			\$370,204,405	\$361,049,982
4						\$361,496,529
5		General Fund Positions.....	74.50	80.50		
6				81.50		
7		Nongeneral Fund Positions.....	74.50	76.50		
8				81.50		
9		Position Level.....	149.00	157.00		
10				163.00		
11		Fund Sources: General.....	\$265,801,659	\$252,647,236		
12				\$253,093,783		
13		Special.....	\$10,498,796	\$10,498,796		
14		Trust and Agency.....	\$4,298,130	\$4,298,130		
15		Dedicated Special Revenue.....	\$13,605,820	\$13,605,820		
16		Federal Trust.....	\$76,000,000	\$80,000,000		
17		§ 1-33. DEPARTMENT OF EMERGENCY MANAGEMENT (127)				
18	410.	Not set out.				
19	411.	Emergency Response and Recovery (77600).....			\$33,919,311	\$44,172,106
20						\$32,265,178
21		Emergency Response and Recovery Services				
22		(77601).....	\$2,798,230	\$2,798,230		
23				\$2,846,664		
24		Financial Assistance for Emergency Response and				
25		Recovery (77602).....	\$20,189,470	\$20,189,470		
26		Emergency Response Direct Support (77603).....	\$102,604	\$102,604		
27		Disaster Recovery Services (77604).....	\$10,829,007	\$21,081,802		
28				\$9,126,440		
29		Fund Sources: General.....	\$11,322,951	\$21,575,746		
30				\$9,620,384		
31		Special.....	\$306,340	\$306,340		
32		Commonwealth Transportation.....	\$1,295,713	\$1,295,713		
33				\$1,344,147		
34		Federal Trust.....	\$20,994,307	\$20,994,307		
35		Authority: Title 44, Chapters 3.2 through 3.5, §§ 44-146.17 , 44-146.18(c) , 44-146.22 , 44-146.28(a) Code of Virginia.				
36						
37		A. Subject to authorization by the Governor, the Department of Emergency Management may				
38		employ persons to assist in response and recovery operations for emergencies or disasters				
39		declared either by the President of the United States or by the Governor of Virginia. Such				
40		employees shall be compensated solely with funds authorized by the Governor or the federal				
41		government for the emergency, disaster, or other specific event for which their employment				
42		was authorized. The Director, Department of Planning and Budget, is authorized to increase				
43		the agency's position level based on the number of positions approved by the Governor.				
44		B. The Secretary of Finance, consistent with any Executive Order signed by the Governor,				
45		may provide the department anticipation loans in such amounts as may be needed to				
46		appropriately reimburse localities and state agencies for costs associated with Emergency				
47		Management Assistance Compact (EMAC) mission assignments. Such loans shall be based				
48		on the reimbursements anticipated under the Emergency Management Assistance Compact				
49		(EMAC) and, notwithstanding the provisions of § 4-3.02 b of this act, may be extended for a				
50		period longer than twelve months.				
51		C.1. Localities receiving reimbursements from the department for Emergency Management				
52		Assistance Compact (EMAC) mission costs shall reimburse the Department of Emergency				

ITEM 411.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Management for any overpayments within sixty (60) days of written notification of such				
2	overpayment.				
3	2. Overpayment amounts shall be based on the difference between the amount reimbursed				
4	to the locality by the Department of Emergency Management and the amount reimbursed				
5	to the Department of Emergency Management by the state requesting emergency aid				
6	under the Compact.				
7	3. If the locality does not reimburse the Department of Emergency Management the				
8	overpaid amount within sixty (60) days of being notified, the Comptroller is authorized to				
9	withhold from any funds to be transferred to the locality the amount overpaid to the				
10	locality and transfer such withheld funds to the Department of Emergency Management.				
11	D. Consistent with any Executive Order signed by the Governor, the Secretary of Finance				
12	or his designee may provide the department anticipation loans in such amounts as may be				
13	needed to appropriately reimburse the department for disaster related costs. Such loans				
14	shall be based on the federal reimbursements anticipated in accordance with the Robert T.				
15	Stafford Disaster Relief and Emergency Assistance Act and, notwithstanding the				
16	provisions of § 4-3.02 b of this act, may be extended for a period longer than twelve				
17	months, if necessary.				
18	E. Out of this appropriation, \$10,821,506 the first year and \$21,074,301 \$9,118,939 the				
19	second year from the general fund is provided for coordinating response and recovery				
20	efforts related to the COVID-19 pandemic. Funding shall be used for but is not limited to				
21	the pandemic response purposes listed below:				
22	1. \$11,624,471 \$6,084,863 the second year is provided for the purchase, storage, and				
23	distribution of personal protective equipment (PPE) to fulfill requests received through the				
24	Virginia Emergency Support Team and the Unified Command;				
25	2. \$569,833 the first year and \$569,833 \$333,800 the second year is provided for				
26	continuing operations of the Joint Information Center including coordinating disaster				
27	communications in a COVID-19 environment and broadcasting official press conferences;				
28	3. \$8,050,173 the first year and \$6,678,497 \$2,700,276 the second year is provided for				
29	continuing operations of the Virginia Emergency Operations Center (VEOC) including				
30	costs related to staff augmentation, various consultant services, and supporting virtual				
31	operation of the VEOC; and				
32	4. \$2,201,500 the first year and \$2,201,500 the second year is provided for contracts that				
33	support the Health Equity Work Group as it develops COVID-19 response and recovery				
34	plans focused on diversity, equity and inclusion.				
35	5. The department, with appropriate documentation, may move the funds listed in				
36	subparagraphs 1, 2, 3, and 4 above to any other purpose listed above or for other COVID-				
37	19 pandemic response efforts.				
38	6. The department shall maintain sufficient records and documentation to report the				
39	specific use of these funds. No later than August 15, 2021, the department shall report the				
40	use of these funds in FY 2021 along with an estimate of the proposed use of the funding				
41	appropriated in FY 2022 and any additional funds that may be required to respond to the				
42	COVID-19 pandemic to the Governor, the Chairperson of the House Appropriations				
43	Committee, the Chairperson of the Senate Finance and Appropriations Committee, and the				
44	Director of the Department of Planning and Budget.				
45	412. Not set out.				
46	413. Not set out.				
47	414. Not set out.				
48	414.10 Not set out.				

ITEM 414.20.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	414.20	Not set out.				
2	414.30	Not set out.				
3		Total for Department of Emergency Management.....			\$102,978,463	\$116,795,948
4						\$104,889,020
5		General Fund Positions.....	45.85	55.85		
6		Nongeneral Fund Positions.....	133.15	136.15		
7		Position Level.....	179.00	192.00		
8		Fund Sources: General.....	\$20,767,247	\$34,269,142		
9				\$22,313,780		
10		Special.....	\$3,211,934	\$3,211,934		
11		Commonwealth Transportation.....	\$1,359,475	\$1,359,475		
12				\$1,407,909		
13		Dedicated Special Revenue.....	\$25,684,099	\$25,761,917		
14		Federal Trust.....	\$51,955,708	\$52,193,480		
15		§ 1-34. DEPARTMENT OF FIRE PROGRAMS (960)				
16	415.	Not set out.				
17	416.	Not set out.				
18	417.	Regulation of Structure Safety (56200).....			\$3,093,597	\$3,093,597
19						\$3,136,597
20		State Fire Prevention Code Administration (56203)....	\$3,093,597	\$3,093,597		
21				\$3,136,597		
22		Fund Sources: General.....	\$2,533,475	\$2,533,475		
23				\$2,576,475		
24		Special.....	\$560,122	\$560,122		
25		Authority: §§ 9.1-201 , 9.1-206 , and 27-94 through 27-99 , Code of Virginia.				
26		The State Fire Marshal may charge no fee for any permits or inspections of any school,				
27		whether it be public or private.				
28	417.10	Not set out.				
29		Total for Department of Fire Programs.....			\$46,900,955	\$48,819,915
30						\$48,862,915
31		General Fund Positions.....	29.25	29.25		
32		Nongeneral Fund Positions.....	49.75	49.75		
33		Position Level.....	79.00	79.00		
34		Fund Sources: General.....	\$2,533,475	\$2,533,475		
35				\$2,576,475		
36		Special.....	\$44,117,480	\$46,036,440		
37		Federal Trust.....	\$250,000	\$250,000		
38	418.	Not set out.				
39	418.10	Not set out.				
40	419.	Not set out.				
41	420.	Not set out.				
42	421.	Not set out.				

ITEM 422.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	422.	Not set out.				
2	423.	Not set out.				
3	424.	Not set out.				
4	§ 1-35. DEPARTMENT OF STATE POLICE (156)					
5	425.	Information Technology Systems,				
6		Telecommunications and Records Management				
7		(30200).....			\$74,409,713	\$87,636,387
8		Information Technology Systems and Planning				
9		(30201).....	\$24,959,098	\$38,928,906		
10		Criminal Justice Information Services (30203).....	\$10,215,226	\$10,652,694		
11		Telecommunications and Statewide Agencies				
12		Radio System (STARS) (30204).....	\$19,207,356	\$19,207,356		
13		Firearms Purchase Program (30206).....	\$4,050,827	\$2,870,225		
14		Sex Offender Registry Program (30207).....	\$3,232,979	\$3,232,979		
15		Concealed Weapons Program (30208).....	\$321,352	\$321,352		
16		Dispatch and Telecommunications Support				
17		(30209).....	\$12,422,875	\$12,422,875		
18		Fund Sources: General.....	\$63,986,631	\$77,213,305		
19		Special.....	\$5,942,231	\$5,942,231		
20		Dedicated Special Revenue.....	\$3,716,561	\$3,716,561		
21		Federal Trust.....	\$764,290	\$764,290		
22		Authority: §§ 18.2-308.2:2 , 19.2-387 , 19.2-388 , 27-55 , 52-4 , 52-4.4 , 52-8.5 , 52-12 , 52-13 ,				
23		52-15 , 52-16 , 52-25 and 52-31 through 52-34 , Code of Virginia.				
24		A.1. It is the intent of the General Assembly that wireless 911 calls be delivered directly				
25		by the Commercial Mobile Radio Service (CMRS) provider to the local Public Safety				
26		Answering Point (PSAP), in order that such calls be answered by the local jurisdiction				
27		within which the call originates, thereby minimizing the need for call transfers whenever				
28		possible.				
29		2. Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia,				
30		\$3,700,000 the first year and \$3,700,000 the second year from the Wireless E-911 Fund is				
31		included in this appropriation for telecommunications to offset dispatch center operations				
32		and related costs incurred for answering wireless 911 telephone calls.				
33		B. Out of the Motor Carrier Special Fund, \$900,000 the first year and \$900,000 the second				
34		year shall be disbursed on a quarterly basis to the Department of State Police.				
35		C.1. This appropriation includes \$9,175,535 the first year and \$9,175,535 the second year				
36		from the general fund for maintaining the Statewide Agencies Radio System (STARS).				
37		2. The Secretary of Public Safety and Homeland Security, in conjunction with the STARS				
38		Management Group and the Superintendent of State Police, shall provide a status report				
39		on (1) annual operating costs; (2) the status of site enhancements to support the system;				
40		(3) the project timelines for implementing the enhancements to the system; and (4) other				
41		matters as the secretary may deem appropriate. This report shall be provided to the				
42		Governor and the Chairmen of the House Appropriations and Senate Finance Committees				
43		no later than October 1 of each year.				
44		3. Any bond proceeds authorized for the STARS project that remain after the full				
45		implementation of the STARS network shall be made available for the STARS equipment				
46		needs of the Department of Military Affairs.				
47		4. Any general fund appropriation given for STARS operating and maintenance under the				
48		service area 30204, is designated for such purposes. If the Department of State Police				
49		cannot expend its STARS appropriation within a given fiscal year, there shall remain an				
50		appropriation balance at the end of the fiscal year. The Department may request a				

ITEM 425.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	discretionary re-appropriation in the subsequent year as provided in § 4-1.05 of this act if				
2	necessary for the payment of preexisting obligations for the purchase of goods or services.				
3	D. The department shall deposit to the general fund an amount estimated at \$100,000 the first				
4	year and \$100,000 the second year resulting from fees generated by additional criminal				
5	background checks of local job applicants and prospective licensees collected pursuant to §				
6	15.2-1503.1 of the Code of Virginia.				
7	E. 1. Notwithstanding the provisions of §§ 19.2-386.14 , 38.2-415 , 46.2-1167 and 52-4.3 ,				
8	Code of Virginia, the Department of State Police may use revenue from the State Asset				
9	Forfeiture Fund, the Insurance Fraud Fund, the Drug Investigation Trust Account – State, and				
10	the Safety Fund to modify, enhance or procure automated systems that focus on the				
11	Commonwealth's law enforcement activities and information gathering processes.				
12	F. The Superintendent of State Police is authorized to and shall establish a policy and				
13	reasonable fee to contract for the bulk transmission of public information from the Virginia				
14	Sex Offender Registry. Any fees collected shall be deposited in a special account to be used to				
15	offset the costs of administering the registry. The State Superintendent of State Police shall				
16	charge no fee for the transfer of any information from the Virginia Sex Offender Registry to				
17	the Statewide Automated Victim Notification (SAVIN) system.				
18	G.1. The Virginia State Police shall, upon request, provide to the Department of Behavioral				
19	Health and Developmental Services any information it possesses as a result of carrying out				
20	the provisions of §§ 19.2-389 , 37.2-819 and 64.2-2014 , Code of Virginia, to enable the				
21	Department to make anonymous the data held pursuant to those provisions and link it with				
22	other relevant data held by the Commonwealth for the purpose of evaluating the impact of				
23	carrying out these provisions on the public health and safety, pursuant to a grant from the				
24	National Science Foundation to Duke University and a subcontract with the University of				
25	Virginia.				
26	2. The Department of State Police shall, upon request, provide to the Department of Juvenile				
27	Justice any information it possesses as a result of carrying out the provisions of §§ 16.1-337.1 ,				
28	19.2-389 , 19.2-389.1 , 37.2-819 and 64.2-2014 , Code of Virginia, to enable the Department to				
29	link the data held pursuant to those provisions with other relevant data held by the				
30	Commonwealth, and then to de-identify it, for the purpose of evaluating the impact of				
31	carrying out these provisions on the public health and safety, pursuant to a research grant to				
32	Duke University and a subcontract with the University of Virginia.				
33	<i>3. The Department of State Police shall, upon request, provide to the Department of Health</i>				
34	<i>any information it possesses as a result of carrying out the provisions of §§ 16.1-337.1, 19.2-</i>				
35	<i>389, 19.2-389.1, 37.2-819, 19.2-182.2 and 64.2-2014, Code of Virginia, to enable the</i>				
36	<i>Department of Health to link the data held pursuant to those provisions with other relevant</i>				
37	<i>data held by the Commonwealth. Once received, the Department of Health will provide the</i>				
38	<i>linked data to the Department of Juvenile Justice for de-identification and for the purpose of</i>				
39	<i>evaluating the impact of carrying out these provisions on the public health and safety,</i>				
40	<i>pursuant to a research grant to Duke University and a subcontract with the University of</i>				
41	<i>Virginia.</i>				
42	H. Included in the amounts provided for this Item is \$99,479 the first year and \$99,479 the				
43	second year from the general fund for the public safety information exchange program with				
44	those states that share a border with Canada or Mexico and are willing to participate in the				
45	exchange program pursuant to § 2.2-224.1 , Code of Virginia.				
46	I. Included in this appropriation is \$620,371 the first year and \$620,371 the second year from				
47	the general fund for the annual debt service for the Department to purchase fixed repeaters for				
48	the Statewide Agencies Radio System (STARS) through the Department of Treasury's Master				
49	Equipment Leasing Program.				
50	J. Included within this appropriation is \$350,200 the first year and \$350,200 the second year				
51	from the general fund to support maintenance costs of the state's Commonwealth Link to				
52	Interoperable Communications (COMLINC) system.				
53	K. Included within this appropriation is \$300,000 the first year and \$300,000 the second year				
54	and four positions to support the COMLINC system.				

ITEM 425.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	L. Included in the amounts provided for in this Item is \$675,000 the first year for training				
2	and project management costs to upgrade the STARS system. Of this amount, \$500,000				
3	shall not be allotted until the project management costs are determined to be ineligible				
4	costs for a bond-funded capital project.				
5	M. Included within the amounts for this item is \$211,947 the first year and \$211,947 the				
6	second year and three positions from the general fund for the Department to address the				
7	recommendation of the Crime Commission to provide a reference to the "Hold File" for				
8	criminal history records checks.				
9	N. Included within the appropriation for this item is \$110,000 the first year from the				
10	general fund for the establishment of a cold case searchable electronic database, consistent				
11	with the provisions of House Bill 1024 of the 2020 Session of the General Assembly.				
12	O. Included in the amounts appropriated in this item is \$4,480,829 the first year and				
13	\$1,479,302 the second year from the general fund to comply with and implement the				
14	provisions of the Community Policing Act pursuant to House Bill 1250 of the 2020				
15	Session of the General Assembly.				
16	P. Included in the appropriation for this Item is \$1,147,694 the first year and \$5,209,045				
17	the second year from the general fund to implement Phase I transformation of select				
18	components of the department's information technology in order to comply with §2.2-				
19	2011 of the Code of Virginia.				
20	Q. Included in the appropriation for this item is \$12,581,520 the second year from the				
21	general fund for the one-time update and replacement of information technology systems				
22	required to implement an automatic expungement process pursuant to legislation adopted				
23	by the 2021 Session of the General Assembly.				
24	R. Included in the appropriation for this item is \$438,464 the second year from the general				
25	fund and four positions for the ongoing costs of operating an automatic expungement				
26	process pursuant to legislation adopted by the 2021 Session of the General Assembly.				
27	S. The Superintendent of State Police shall report on the feasibility of establishing a				
28	registry for determining eligibility to lawfully possess a firearm for on-site rental use at a				
29	sport shooting range, based on existing state and federal laws concerning possession of				
30	firearms by persons with a history of mental illness. The report shall consider, at a				
31	minimum: (i) the information technology changes needed to collect the necessary				
32	information to determine if the renter of a firearm for on-site use is prohibited from				
33	possessing a firearm under any applicable state or federal law; (ii) the appropriate form or				
34	mechanism for collection of information to determine the mental health and criminal				
35	history of customers of sport shooting ranges; (iii) the reasonable timeline by which the				
36	registry can be implemented; and (iv) any necessary costs for implementation of a mental				
37	health background check registry for on-site firearms rentals. The department shall report				
38	to the General Assembly on the information required in this paragraph by September 30,				
39	2021.				
40	T. Out of this appropriation, \$301,194 the second year from the general fund is provided				
41	to the Department of State Police for three positions for cold case investigators to support				
42	efforts to resolve such cases.				
43	426. Not set out.				
44	427. Not set out.				
45	428. Not set out.				
46	428.10 Not set out.				
47	Total for Department of State Police.....			\$397,009,469	\$418,742,845
48	General Fund Positions.....	2,665.00	2,674.00		
49	Nongeneral Fund Positions.....	397.00	397.00		

ITEM 428.10.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Position Level.....		3,062.00	3,071.00		
2	Fund Sources: General.....		\$326,869,064	\$348,386,281		
3	Special.....		\$38,003,522	\$37,744,681		
4	Commonwealth Transportation.....		\$9,083,587	\$9,083,587		
5	Dedicated Special Revenue.....		\$13,917,381	\$14,392,381		
6	Federal Trust.....		\$9,135,915	\$9,135,915		
7	429. Not set out.					
8	429.10 Not set out.					
9	TOTAL FOR OFFICE OF PUBLIC SAFETY AND					
10	HOMELAND SECURITY.....				\$3,497,697,592	\$3,612,800,958
11						\$3,608,161,892
12	General Fund Positions.....		17,661.10	17,788.10		
13				17,789.10		
14	Nongeneral Fund Positions.....		2,369.90	2,487.90		
15				2,492.90		
16	Position Level.....		20,031.00	20,276.00		
17				20,282.00		
18	Fund Sources: General.....		\$2,205,978,062	\$2,254,848,975		
19				\$2,250,161,475		
20	Special.....		\$166,781,345	\$165,006,186		
21	Commonwealth Transportation.....		\$10,443,062	\$10,443,062		
22				\$10,491,496		
23	Enterprise.....		\$904,063,666	\$967,289,351		
24	Trust and Agency.....		\$4,298,130	\$4,298,130		
25	Dedicated Special Revenue.....		\$55,994,374	\$56,547,192		
26	Federal Trust.....		\$150,138,953	\$154,368,062		

ITEM 430.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	OFFICE OF TRANSPORTATION			
2	§ 1-36. SECRETARY OF TRANSPORTATION (186)			
3	430. Administrative and Support Services (79900).....		\$953,895	\$953,895
4	General Management and Direction (79901).....	\$953,895	\$953,895	
5	Fund Sources: Commonwealth Transportation.....	\$953,895	\$953,895	
6	Authority: Title 2.2, Chapter 2, Article 10, § 2.2-201, and Titles 33, 46, and 58, Code of			
7	Virginia.			
8	A. The transportation policy goals enumerated in this act shall be implemented by the			
9	Secretary of Transportation, including the secretary acting as Chairman of the			
10	Commonwealth Transportation Board.			
11	1. The maintenance of existing transportation assets to ensure the safety of the public shall			
12	be the first priority in budgeting, allocation, and spending. The highway share of the			
13	Transportation Trust Fund shall be used for highway maintenance and operation purposes			
14	prior to its availability for new development, acquisition, and construction.			
15	2. It is in the interest of the Commonwealth to have an efficient and cost-effective			
16	transportation system that promotes economic development and all modes of			
17	transportation, intermodal connectivity, environmental quality, accessibility for people and			
18	freight, and transportation safety. The planning, development, construction, and operations			
19	of Virginia's transportation facilities will reflect this goal.			
20	3. To the greatest extent possible, the appropriation of transportation revenues shall reflect			
21	planned spending of such revenues by agency and by program.			
22	B. The maximization of all federal transportation funds available to the Commonwealth			
23	shall be paramount in the budgetary, spending, and allocation processes.			
24	1. Notwithstanding any provision of law to the contrary, the secretary and all agencies			
25	within the transportation secretariat are hereby authorized to take all actions necessary to			
26	ensure that federal transportation funds are allocated and utilized for the maximum benefit			
27	of the Commonwealth, whether such actions or funds or both are authorized under <i>P.L.</i>			
28	<i>117-58 of the 117th Congress P.L. 114-94 of the 114th Congress</i> , or any successor or			
29	related federal transportation legislation, or regulation, rule, or guidance issued by the U.S.			
30	Department of Transportation or any federal agency. The secretary and agencies within			
31	the transportation secretariat shall utilize, to the maximum extent practicable, the			
32	flexibility provided in federal law, regulation, rule, or guidance to use federal funds in a			
33	manner consistent with the Code of Virginia. However, neither the secretary nor an			
34	agency in the transportation secretariat may materially delay a project selected pursuant to			
35	§ 33.2-214.1, Code of Virginia, under the authority in this paragraph.			
36	2. The secretary shall ensure that the allocation of transportation funds apportioned and for			
37	which obligation authority is expected to be available under federal law shall be in			
38	accordance with such laws and in support of the transportation policy goals enumerated in			
39	section A. of this Item. Furthermore, the secretary is authorized to take all actions			
40	necessary to allocate the required match for federal highway funds to ensure their			
41	appropriate and timely obligation and expenditure within the fiscal constraints of state			
42	transportation revenues and in support of the efforts addressed in B.1. By June 1 of each			
43	year, the secretary, as Chairman of the Board, shall report to the Governor and General			
44	Assembly on the allocation of such federal transportation funds and the actions taken to			
45	provide the required match.			
46	3. The board shall only make allocations providing the required match for federal			
47	Regional Surface Transportation Block Grant Program funds to those Metropolitan			
48	Planning Organizations in urbanized areas greater than 200,000 that, in consultation with			
49	the Office of Intermodal Planning and Investment, have developed regional transportation			
50	and land use performance measures pursuant to Chapters 670 and 690 of the 2009 Acts of			
51	Assembly and have been approved by the board.			

ITEM 430.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	4. Projects funded, in whole or part, from federal funds referred to as congestion mitigation				
2	and air quality improvement, shall be selected as directed by the board. Such funds shall be				
3	federally obligated within 12 months of their allocation by the board and expended within 36				
4	months of such obligation. If the requirements included in this paragraph are not met by such				
5	agency or recipient, then the board shall use such federal funds for any other project eligible				
6	under 23 USC 149.				
7	5. Funds made available to the Metropolitan Planning Organizations known as the Regional				
8	Surface Transportation Block Grant Program for urbanized areas greater than 200,000 shall be				
9	federally obligated within 12 months of their allocation by the board and expended within 36				
10	months of such obligation. If the requirements included in this paragraph are not met by the				
11	recipient, then the board may rescind the required match for such federal funds.				
12	6. Notwithstanding paragraph B.2. of this Item, the required matching funds for				
13	Transportation Alternatives projects are to be provided by the project sponsor of the federal-				
14	aid funding.				
15	7. Federal transportation funds as well as the required state matching funds may be allocated				
16	by the Commonwealth Transportation Board for transit purposes under the same rules and				
17	conditions authorized by federal law in a manner consistent with the Code of Virginia. The				
18	Commonwealth Transportation Board, in consultation with the appropriate local and regional				
19	entities, may allocate state revenues to local and regional public transit operators, for				
20	operating and/or capital purposes.				
21	8. If a regional area (or areas) of the Commonwealth is determined to be not in compliance				
22	with Clean Air Act rules regarding conformity and as a result federal and/or state allocations,				
23	apportionments or obligations cannot be used to fund or support transportation projects or				
24	programs in that area, such funds may be used to finance demand management, conformity,				
25	and congestion mitigation projects to the extent allowed by federal law. Any remaining				
26	amount of such allocations, apportionments, or obligations shall be set aside to the extent				
27	possible under law for use in that regional area.				
28	9. Appropriations in this act related to federal revenues outlined in this section may be				
29	adjusted by the Director, Department of Planning and Budget, upon request from the				
30	Secretary of Transportation, as needed to utilize and allocate additional federal funds that may				
31	become available.				
32	10. The secretary shall ensure that any bonds issued pursuant to Article 4, Chapter 15 of Title				
33	33.2 shall be programmed to eligible projects selected and funded through the High Priority				
34	Projects Program pursuant to § 33.2-370 or the Construction District Grant Program pursuant				
35	to §33.2-371. In any year such bond proceeds are allocated to one or both of the programs, the				
36	secretary shall take all necessary action to ensure that each program is provided with the same				
37	overall amount of monies though the mix of bond proceeds, state revenues, and federal				
38	revenues provided to each program may vary as deemed appropriate by the secretary.				
39	<i>11. The Commonwealth Transportation Board, with the assistance of the Virginia Department</i>				
40	<i>of Transportation, shall develop a plan for the allocation of funds made available through a</i>				
41	<i>bridge replacement, rehabilitation, preservation, protection and construction program</i>				
42	<i>established pursuant to the Infrastructure Investment and Jobs Act. Such plan shall include (i)</i>				
43	<i>an investment strategy that provides for long-term sustainable performance of the</i>				
44	<i>Commonwealth's bridges, (ii) allocation of funds without regard to whether a structure is</i>				
45	<i>state-maintained or locally-maintained, and (iii) be developed considering the investment</i>				
46	<i>strategy and outcomes of the comprehensive review of pavements and bridges submitted to the</i>				
47	<i>Governor and General Assembly pursuant to the second enactment of Chapters 83 and 349 of</i>				
48	<i>the 2019 Acts of Assembly</i>				
49	<i>12. The Commonwealth Transportation Board shall develop a plan for the use of funds made</i>				
50	<i>available through the National Electric Vehicle Formula Program established by the</i>				
51	<i>Infrastructure Investment and Jobs Act by the deadline established by the United States</i>				
52	<i>Secretary of Transportation. The plan shall consider designated national electric vehicle</i>				
53	<i>charging corridors, opportunities to partner with private parties, and other factors included</i>				
54	<i>in federal guidance for such program.</i>				
55	C. The secretary may ensure that appropriate action is taken to maintain a minimum cash				

ITEM 430.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	balance and/or cash reserve in the Highway Maintenance and Operating Fund.				
2	D.1. The Office of Intermodal Planning and Investment shall recommend to the				
3	Commonwealth Transportation Board all allocations of funds made available in				
4	subsections A. and B. of Item 446. The planning and evaluation may be conducted or				
5	managed by the Department of Transportation, Department of Rail and Public				
6	Transportation, or another qualified entity selected and/or approved by the				
7	Commonwealth Transportation Board.				
8	2. The office shall be responsible for implementing the statewide prioritization process				
9	processes pursuant to § 33.2-214.1 and § 33.2-372 for the Commonwealth Transportation				
10	Board.				
11	3. The office shall work directly with affected Metropolitan Planning Organizations to				
12	develop and implement quantifiable and achievable goals relating to congestion reduction				
13	and safety, transit and HOV usage, job/housing ratios, job and housing access to transit				
14	and pedestrian facilities, air quality, and/or per-capita vehicle miles traveled pursuant to				
15	Chapters 670 and 690 of the 2009 Acts of Assembly.				
16	4. For allocation of funds under Paragraph 1, the office may give a higher priority for				
17	planning grants to (i) regional organizations to analyze various land development				
18	scenarios for their long range transportation plans, (ii) local governments to revise their				
19	comprehensive plans and other applicable local ordinances to designate urban				
20	development areas pursuant to Chapter 896 of the 2007 Acts of Assembly and incorporate				
21	the principles included in such act, and (iii) local governments, regional organizations,				
22	transit agencies and other appropriate entities to develop plans for transit oriented				
23	development and the expansion of transit service. Such analyses, plans, and ordinances				
24	shall be shared with the regional planning district commission or metropolitan planning				
25	organization and the Commonwealth Transportation Board.				
26	E.1. The Commonwealth Transportation Board is hereby authorized to apply for, execute,				
27	and/or endorse applications submitted by private entities or political subdivision of the				
28	Commonwealth to obtain federal credit assistance for one or more qualifying				
29	transportation infrastructure projects or facilities to be developed pursuant to the Public-				
30	Private Transportation Act of 1995, as amended. Any such application, agreement and/or				
31	endorsement shall not financially obligate the Commonwealth or be construed to implicate				
32	the credit of the Commonwealth as security for any such federal credit assistance.				
33	2. The Commonwealth Transportation Board is hereby authorized to pursue or otherwise				
34	apply for, and execute, an agreement to obtain financing using a federal credit instrument				
35	for project financings otherwise authorized by this Act or other Acts of Assembly.				
36	F. Revenues generated pursuant to the provisions of § 58.1-3221.3, Code of Virginia, shall				
37	only be used to supplement, not supplant, any local funds provided for transportation				
38	programs within the localities authorized to impose the fees under the provisions of §				
39	58.1-3221.3, Code of Virginia.				
40	G. The Director, Department of Planning and Budget, is authorized to adjust the				
41	appropriation of transportation agencies in order to utilize proceeds from the sale of				
42	Commonwealth of Virginia Transportation Capital Projects Revenue Bonds which were				
43	authorized in a prior fiscal year but not issued, pursuant to Section 2 of Enactment Clause				
44	2 of Chapter 896 of the 2007 General Assembly Session.				
45	H. The Director, Department of Planning and Budget, is authorized to adjust the				
46	appropriation of transportation agencies in order to utilize proceeds from the sale of				
47	Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes.				
48	I. In programming funds for the reconstruction and rehabilitation of structurally deficient				
49	bridges pursuant to § 33.2-358 C.(i); Code of Virginia; the Commonwealth Transportation				
50	Board shall consider both state and locally-owned bridges.				
51	J. All revenues generated under Chapter 896 of the Acts of Assembly of 2007 (HB 3202)				
52	and Chapter 766 of the Acts of Assembly of 2013 (HB 2313), <i>Chapters 837 and 846 of</i>				
53	<i>the 2019 Acts of Assembly, and Chapters 1230 and 1275 of the 2020 Acts of Assembly</i> that				
54	were dedicated to transportation-related funds have been appropriated in conformity with				

ITEM 430.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	the requirements of those respective chapters.				
2	K. Notwithstanding § 33.2-502, Code of Virginia, the high-occupancy requirement for a HOT				
3	lane facility that is constructed as a result of the Public-Private Transportation Act (§ 33.2-				
4	1800 et. seq.) (i) with an initial construction cost in excess of \$3 billion and whose operation,				
5	maintenance, or financing is not a result of the same comprehensive agreement that resulted in				
6	the facility's construction shall be not less than two-, or (ii) that is located on the same				
7	Interstate corridor and partially located within the same urbanized areas.				
8	L. In recognition of the funds provided in subsection B 6 of Item 447.10, the Department of				
9	Rail and Public Transportation shall use \$3,600,000 in the second year from the Transit				
10	Ridership Incentive Program for regional connectivity programs focused on congestion				
11	reduction and mitigation through provision of long-distance commuter routes. The Secretary				
12	shall provide to the Chairs of House Appropriations, Senate Finance and Appropriations,				
13	House Transportation and Senate Transportation Committees the methodology used and the				
14	distributions of such funds to transit systems by June 30, 2022.				
15	M. It is the intent of the General Assembly that the Secretary of Transportation and the				
16	Secretary of Natural Resources, in consultation with the Chairs of the House Appropriations,				
17	Senate Finance and Appropriations, House Transportation, Senate Transportation, House				
18	Agriculture, Chesapeake and Natural Resources, and Senate Agriculture, Conservation and				
19	Natural Resources Committees, and counties containing subject outfalls, shall evaluate the				
20	scope of drainage outfalls across the Commonwealth originating from Virginia Department of				
21	Transportation (VDOT) maintained roads with no assigned maintaining entity, and				
22	recommend cost-effective solutions and means by which to fund maintenance of such outfalls.				
23	The Secretaries shall provide an interim report detailing their evaluation to the				
24	forementioned committee chairs no later than December 31, 2020 and a final report of their				
25	findings, if not included in the December report, by September 30, 2021.				
26	N. Prior to the execution of any Memorandum of Understanding on behalf of the				
27	Commonwealth of Virginia for participation in the construction of any potential				
28	improvements to the bridge and related railroad infrastructure located between the Rosslyn				
29	(RO) Interlocking near Long Bridge Park in Arlington, Virginia and the L'Enfant (LE)				
30	Interlocking near 10th Street SW in Washington, D.C., or prior to the authorization for the				
31	issuance of any bonds or the sale of any land by the Virginia Passenger Rail Authority, as				
32	may be established by legislation adopted by the 2020 Session of the General Assembly that				
33	becomes law, the Secretary of Transportation shall present, for their review, to the MEI				
34	Project Approval Commission established pursuant to Chapter 47 (§ 30-309 et seq.) of Title				
35	30, a draft of any Memorandum of Understanding, any proposed bond issuance, or contract				
36	related to the sale of land, or the terms of any agreement between or among any political				
37	subdivision of the Commonwealth of Virginia, any political subdivision of the United States,				
38	federal government agency, the National Passenger Railroad Corporation, a commuter rail				
39	service jointly operated by the Northern Virginia Transportation District established pursuant				
40	to § 33.2-1904 and the Potomac Rappahannock Transportation District established pursuant to				
41	the Transportation District Act (§ 33.2-1900 et seq.), and any Class I private railroad				
42	corporation.				
43	O.1. Notwithstanding § 33.2-214, the Six-Year Improvement Program adopted June 19, 2019,				
44	and as amended shall remain in effect through June 30, 2021, or until a new Six-Year				
45	Improvement Program is adopted that is based on the official Commonwealth Transportation				
46	Fund revenue forecast reflecting the impacts of COVID-19 pandemic.				
47	2. Notwithstanding any other provisions of law, the assistance provided for fiscal year 2021				
48	under Item 442 A.1.a and A.1.c may be maintained up to the levels allocated in the Six Year				
49	Improvement Program approved by the Commonwealth Transportation Board on June 19,				
50	2019 until a Six-Year Improvement Program is adopted pursuant to paragraph O.1. of this				
51	item.				
52	P. It is the intent of the General Assembly that the Commonwealth Transportation Board shall				
53	take steps necessary to address the reduction in revenues available for the Commonwealth				
54	Transportation Fund pursuant to § 33.2-1524, Code of Virginia, in a manner to reduce the				
55	impacts on currently programmed projects and to allow for a phased implementation of the				
56	additional revenues made available by Chapters 1230 and 1275 of the 2020 Acts of Assembly.				

ITEM 430.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	1. The Commonwealth Transportation Board may utilize Revenue Sharing Funds				
2	allocated to a project in fiscal year 2020 or previous fiscal years that is not currently				
3	needed to support the project based on the project's current schedule to increase the				
4	funding available to the Commonwealth Transportation Fund (CTF) for distribution to the				
5	funds and programs supported by the CTF to help mitigate the impacts of the reduced				
6	revenues resulting from COVID-19 and reflected in the August 2020 Official Revenue				
7	Forecast. Any project allocations utilized will be replaced in the year or years needed to				
8	maintain the project's current schedule, but no later than FY 2024, from funds made				
9	available pursuant to § 33.2-357, Code of Virginia.				
10	2. The Commonwealth Transportation Board may utilize Revenue Sharing Funds provided				
11	in FY 2020 or prior fiscal years that were not allocated to a specific revenue sharing				
12	project as of June 30, 2020, to increase the funding available to the Commonwealth				
13	Transportation Fund (CTF) for distribution to the funds and programs supported by the				
14	CTF to help mitigate the impacts of the reduced revenues resulting from COVID-19 and				
15	reflected in the August 2020 Official Revenue Forecast.				
16	3. The Commonwealth Transportation Board may utilize amounts allocated to a project				
17	through the State of Good Repair, High Priority Projects and District Grant Programs				
18	included in the FY2020-2025 Six-Year Improvement Program not needed in the year				
19	provided to support the project based on the project's current schedule to increase the				
20	funding available to the Commonwealth Transportation Fund (CTF) for distribution to the				
21	funds and programs supported by the CTF to help mitigate the impacts of the reduced				
22	revenues resulting from COVID-19 and reflected in the August 2020 Official Revenue				
23	Forecast. Any project allocations utilized shall be replaced in the year or years needed to				
24	maintain the project's schedule, provided that any funding shall be replaced no later than				
25	fiscal year 2025 from funds available in the Commonwealth Transportation Fund.				
26	4. That notwithstanding enactment clauses 11 and 13 of Chapters 1230 and 1275 of the				
27	2020 Acts of Assembly, the Commonwealth Transportation Board (i) shall take actions				
28	deemed necessary in fiscal years 2021, 2022 and 2023 to ensure appropriate coverage				
29	ratios for any outstanding debt backed by the Transportation Trust Fund and (ii) shall				
30	distribute available funds, taking into consideration the impacts of the reduced revenues				
31	resulting from COVID-19 and reflected in the August 2020 Official Revenue Forecast, to				
32	the modal programs and the highway maintenance and operating fund in such a manner as				
33	to protect core programs, services, and existing projects, and to provide funding for the				
34	purposes set forth in §§ 33.2-372 and 33.2-373, Code of Virginia.				
35	5. The Commonwealth Transportation Board may for fiscal year 2021 reduce the funding				
36	available pursuant to subdivisions D 2, D 4 and D 5 of § 33.2-1526.1, Code of Virginia, to				
37	increase the funding available for the purposes of subdivision D 1 and D 3 of § 33.2-				
38	1526.1, Code of Virginia.				
39	6. The Secretary shall report to the Governor and Chairs of the House Appropriations and				
40	Senate Finance and Appropriations Committees on the funding actions planned to be				
41	taken under the authority provided by P.1. through 5. of this item, as well as any actions				
42	taken pursuant to language included in Item 444.B of this act, within five [5] business				
43	days following the presentation of such proposed actions to the Commonwealth				
44	Transportation Board. The reporting shall include a listing of the programs and projects				
45	impacted, identifying the amount and timing of the use and subsequent replacement of				
46	project allocations as required to maintain project schedules. Furthermore, within five [5]				
47	business days of a subsequent meeting of the Commonwealth Transportation Board in				
48	which official action related to the proposed funding actions is taken, the Secretary shall				
49	report to the Governor and Chairs of the House Appropriations and Senate Finance and				
50	Appropriations Committees the funding actions approved by the Commonwealth				
51	Transportation Board, denoting any changes from the previously reported proposed				
52	funding actions. Furthermore, in order to ensure the General Assembly has the opportunity				
53	to express its disapproval of any proposed funding shifts, no changes to project allocations				
54	shall be made at the same meeting at which they are proposed, but shall be delayed until				
55	the subsequent meeting of the Commonwealth Transportation Board.				
56	Q. It is the intent of the General Assembly that state funds in the Commonwealth				
57	Transportation Fund and federal funds provided on a recurring, non-one-time basis, for				

ITEM 430.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	surface transportation be distributed and allocated at the discretion of the entities responsible				
2	for such funds based on the policy direction and requirements set forth in the Code of				
3	Virginia.				
4	R. Notwithstanding the provisions of § 33.2-3603, Code of Virginia, the I-81 Advisory				
5	Committee shall be required to meet at a minimum of two times a year, with additional				
6	meetings called at the discretion of the Chair.				
7	Total for Secretary of Transportation.....			\$953,895	\$953,895
8	Nongeneral Fund Positions.....	6.00	6.00		
9	Position Level.....	6.00	6.00		
10	Fund Sources: Commonwealth Transportation.....	\$953,895	\$953,895		
11	431. Not set out.				
12	§ 1-37. DEPARTMENT OF AVIATION (841)				
13	432. Not set out.				
14	433. Not set out.				
15	434. State Aircraft Flight Operations (65600).....			\$2,958,246	\$2,958,246
16	State Aircraft Operations and Maintenance (65602)....	\$2,958,246	\$2,958,246		
17	Fund Sources: General.....	\$30,246	\$30,246		
18	Commonwealth Transportation.....	\$2,928,000	\$2,928,000		
19	Authority: Title 5.1, Chapter 1, Code of Virginia.				
20	<i>Pursuant to § 5.1-4 of the Code of Virginia, the Department of Aviation is authorized to</i>				
21	<i>purchase a jet aircraft using Aviation Special Funds to replace one existing King Air 350</i>				
22	<i>aircraft. The department is directed to either trade-in or sell the King Air 350 aircraft to</i>				
23	<i>reduce financing requirements. Any proceeds related to a sale of the King Air 350 shall be</i>				
24	<i>retained by the department and used toward this purchase.</i>				
25	435. Not set out.				
26	Total for Department of Aviation.....			\$39,986,870	\$42,792,425
27	Nongeneral Fund Positions.....	37.00	37.00		
28	Position Level.....	37.00	37.00		
29	Fund Sources: General.....	\$30,246	\$30,246		
30	Commonwealth Transportation.....	\$39,456,624	\$42,056,624		
31	Federal Trust.....	\$500,000	\$705,555		
32	§ 1-38. DEPARTMENT OF MOTOR VEHICLES (154)				
33	436. Ground Transportation Regulation (60100).....			\$216,673,180	\$216,673,180
34	Customer Service Centers Operations (60101).....	\$156,643,065	\$156,643,065		
35	Ground Transportation Regulation and Enforcement				
36	(60103).....	\$45,505,878	\$45,505,878		
37	Motor Carrier Regulation Services (60105).....	\$14,524,237	\$14,524,237		
38	Fund Sources: Commonwealth Transportation.....	\$209,226,580	\$209,226,580		
39	Trust and Agency.....	\$5,446,600	\$5,446,600		
40	Federal Trust.....	\$2,000,000	\$2,000,000		
41	Authority: Title 46.2, Chapters 1, 2, 3, 6, 8, 10, 12, 15, 16, and 17; §§ 18.2-266 through 18.2-				
42	272; Title 58.1, Chapters 21 and 24, Code of Virginia. Title 33, Chapter 4, United States				
43	Code.				

ITEM 436.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	A. The Commissioner, Department of Motor Vehicles, is authorized to establish, where				
2	feasible and cost efficient, contracts with private/public partnerships with commercial				
3	operations, to provide for simplification and streamlining of service to citizens through				
4	electronic means. Provided, however, that such commercial operations shall not be				
5	entitled to compensation as established under § 46.2-205, Code of Virginia, but rather at				
6	rates limited to those established by the commissioner.				
7	B. The Department of Motor Vehicles shall work to increase the use of alternative service				
8	delivery methods, which may include offering discounts on certain transactions conducted				
9	online, as determined by the department. As part of its effort to shift customers to internet				
10	usage where applicable, the department shall not charge its customers for the use of credit				
11	cards for internet or other types of transactions; however, this restriction shall not apply				
12	with respect to any credit or debit card transactions the department conducts on behalf of				
13	another agency, provided (i) the other agency is authorized to charge customers for the use				
14	of credit or debit cards and (ii) the merchant's fees and other transaction costs imposed by				
15	the card issuer are charged to the department.				
16	C. In order to provide citizens of the Commonwealth greater access to the Department of				
17	Motor Vehicles, the agency is authorized to enter into an agreement with any local				
18	constitutional officer or combination of officers to act as a license agent for the				
19	department, with the consent of the chief administrative officer of the constitutional				
20	officer's county or city, and to negotiate a separate compensation schedule for such office				
21	other than the schedule set out in § 46.2-205, Code of Virginia. Notwithstanding any other				
22	provision of law, any compensation due to a constitutional officer serving as a license				
23	agent shall be remitted by the department to the officer's county or city on a monthly basis,				
24	and not less than 80 percent of the sums so remitted shall be appropriated by such county				
25	or city to the office of the constitutional officer to compensate such officer for the				
26	additional work involved with processing transactions for the department. Funds				
27	appropriated to the constitutional office for such work shall not be used to supplant				
28	existing local funding for such office, nor to reduce the local share of the Compensation				
29	Board-approved budget for such office below the level established pursuant to general				
30	law.				
31	D. The base compensation for DMV Select Agents shall be set at 4.5 percent of gross				
32	collections for the first \$500,000 and 5.0 percent of all gross collections in excess of				
33	\$500,000 made by the entity during each fiscal year on such state taxes and fees in place				
34	as a matter of law. The commissioner shall supply the agents with all necessary agency				
35	forms to provide services to the public, and shall cause to be paid all freight and postage,				
36	but shall not be responsible for any extra clerk hire or other business-related expenses or				
37	business equipment expenses occasioned by their duties.				
38	E. Out of the amounts identified in this Item, an amount estimated at \$372,006 the first				
39	year and \$372,006 the second year from the Commonwealth Transportation Fund shall be				
40	paid to the Washington Metropolitan Area Transit Commission.				
41	F.1. Notwithstanding any other provision of law, the department shall assess a minimum				
42	fee of \$15 for all titles. The revenue generated from this fee shall be set aside to meet the				
43	expenses of the department.				
44	2. Notwithstanding any other provision of law, the department shall assess a \$10 late fee				
45	on all registration renewal transactions that occur after the expiration date. The late fee				
46	shall not apply to those exceptions granted under § 46.2-221.4, Code of Virginia. In				
47	assessing the late renewal fee the department shall provide a ten day grace period for				
48	transactions conducted by mail to allow for administrative processing. This grace period				
49	shall not apply to registration renewals for vehicles registered under the International				
50	Registration Plan. The revenue generated from this fee shall be set aside to meet the				
51	expenses of the department.				
52	3. Notwithstanding any other provision of law, the department shall establish a \$20				
53	minimum fee for original driver's licenses and replacements. The revenue generated from				
54	this fee shall be set aside to meet the expenses of the department.				
55	G. The Department of Motor Vehicles is hereby granted approval to renew or extend				
56	existing capital leases due to expire during the current biennium for existing customer				

ITEM 436.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	service centers.				
2	H. The Department of Motor Vehicles is hereby appropriated revenues from the additional				
3	sales tax on fuel in certain transportation districts to recover the direct cost of administration				
4	incurred by the department in implementing and collecting this tax as provided by § 58.1-				
5	2295, Code of Virginia.				
6	I. The Commissioner of the Department of Motor Vehicles, in consultation with the				
7	Commissioner of Highways, shall take such steps as may be necessary to expand access to the				
8	E-ZPass program through its customer service channels using such locations and methods as				
9	are practicable.				
10	J. The Department of Motor Vehicles is hereby granted approval to distribute the transactional				
11	charges of the Cardinal accounting system to state agencies, when the transactions involve				
12	funds passed through the department to the benefiting agency. This paragraph shall not				
13	pertain to Direct Aid to Public Education.				
14	K. The Department of Motor Vehicles is hereby granted approval to distribute a portion of its				
15	indirect cost allocation charge to another state agency when the charge is related to revenue				
16	collected and transferred by the department to the state agency. Such transfers shall be based				
17	on the agency's proportionate share of the department's total transactions in the immediately				
18	preceding fiscal year. The Department shall annually submit to the Department of Planning				
19	and Budget a summary of the transfer amounts and the transaction volumes used to allocate				
20	the internal cost amounts.				
21	L. Notwithstanding § 46.2-688, Code of Virginia, the Department of Motor Vehicles shall not				
22	be required to refund a proration of the total cost of a motor vehicle registration when less				
23	than six months remain in the registration period. Any resulting savings shall be retained and				
24	used to meet the expenses of the Department.				
25	M. Notwithstanding § 46.2-342, Code of Virginia, the Department of Motor Vehicles shall				
26	not be required to include organ donation brochures with every driver's license renewal notice				
27	or application mailed to licensed drivers.				
28	N. The Commissioner shall only refuse to issue or renew any vehicle registration pursuant to				
29	subsection L of § 46.2-819.3:1 of an operator or owner of a vehicle who has no prior				
30	resolution, whether that resolution is by settlement or conviction, for offenses under § 46.2-				
31	819.3:1 if, in addition to the conditions set forth in subsection L of § 46.2-819.3:1 for such				
32	refusal, the toll operator has offered the individual a settlement of no more than \$2,200.				
33	O. The Department is authorized to impose a \$10 surcharge on all first issuances of REAL ID				
34	compliant credentials that are acceptable for federal purposes.				
35	P. Notwithstanding any other provision of law, for the duration of a declared state of				
36	emergency as defined in § 44-146.16, Code of Virginia, and for up to 90 days after the				
37	declaration of a state of emergency has been rescinded or expires, the Commissioner may				
38	extend the validity or delay the cancellation of driver's licenses, special identification cards,				
39	and vehicle registrations, the time frame during which a driver improvement clinic or				
40	payment plan must be completed, the maximum number of days of residency permitted before				
41	a new resident must be licensed in Virginia pursuant to § 46.2-308, Code of Virginia, to				
42	operate a motor vehicle in the Commonwealth, and the time frame during which a new				
43	resident may operate a motor vehicle in the Commonwealth which has been duly registered in				
44	another jurisdiction before registering the vehicle in the Commonwealth.				
45	Q. Notwithstanding any other provision of law, for the duration of a declared Commonwealth-				
46	wide state of emergency as defined in § 44-146.16, Code of Virginia, and for up to 90 days				
47	after the declaration of a state of emergency has been rescinded or expires, the Commissioner				
48	shall ensure that individuals age 65 and older, or with an immunocompromised or other				
49	underlying medical conditions, who are not required to register pursuant to Chapter 9 of Title				
50	9.1 and appear in person for each renewal or the requirement to obtain a photograph in				
51	accordance with § 46.2-330 F(2), are able to complete any necessary transactions for existing				
52	credentials online or through the mail, so long as such individuals are otherwise eligible to				
53	complete such transactions and federal law does not require the transactions to be completed				
54	in person.				

ITEM 436.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	R. Notwithstanding any other provision of law, for the duration of a declared state of				
2	emergency and for up to 90 days after a declaration of a state of emergency has been				
3	rescinded or expires, the Commissioner may permit (1) Class B driver training schools				
4	and (2) computer-based driver education providers, as defined in § 46.2-1700, to				
5	administer the end-of-course driver's education test online subject to the requirements				
6	prescribed by the Commissioner. Notwithstanding any other provision of law, for the				
7	duration of a declared state of emergency and for up to 90 days after a declaration of a				
8	state of emergency has been rescinded or expires, the Commissioner may permit Class B				
9	driver training schools with a valid Virginia license to administer their in-class curriculum				
10	on an online platform subject to the requirements prescribed by the Commissioner.				
11	Notwithstanding the provisions of § 22.1-205, for the duration of a declared state of				
12	emergency and for up to 90 days after a declaration of a state of emergency has been				
13	rescinded or expires, the Commissioner may permit the parent/student driver education				
14	component of the driver's education course to be administered online subject to the				
15	requirements prescribed by the Commissioner.				
16	S. Notwithstanding the provisions of subsection E. of § 18.2-271.1 of the Code of				
17	Virginia, if a person's license to operate a motor vehicle, engine, or train in the				
18	Commonwealth has been suspended or revoked pursuant to former § 18.2-259.1 or 46.2-				
19	390.1, a court may, in its discretion and for good cause shown, issue a restricted permit to				
20	operate a motor vehicle for any purpose set forth in subsection E. of § 18.2-271.1. No				
21	restricted license issued pursuant to this paragraph shall permit any person to operate a				
22	commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§				
23	46.2-341.1 et seq.). The court shall forward to the Commissioner of the Department of				
24	Motor Vehicles a copy of its order entered pursuant to this paragraph, which shall				
25	specifically enumerate the restrictions imposed and contain such information regarding the				
26	person to whom such a permit is issued as is reasonably necessary to identify such person.				
27	The court shall also provide a copy of its order to the person so convicted who may				
28	operate a motor vehicle on the order until receipt from the Commissioner of the				
29	Department of Motor Vehicles of a restricted license, if the order provides for a restricted				
30	license for that time period. A copy of such order and, after receipt thereof, the restricted				
31	license shall be carried at all times by such person while operating a motor vehicle. Any				
32	person who operates a motor vehicle in violation of any restrictions imposed pursuant to				
33	this paragraph is guilty of a violation of § 46.2-301.				
34	T. Notwithstanding § 4-2.03 of this act, the Virginia Department of Motor Vehicles shall				
35	be exempt from recovering statewide and agency indirect costs from the federal grants				
36	until an indirect cost plan can be evaluated and developed by the agency.				
37	U. Consistent with the provisions of § 4-13.00 of this act, the definitions found in § 46.2-				
38	1600, Code of Virginia, on June 30, 2021, shall remain in full force and effect until June				
39	30, 2022.				
40	V. Notwithstanding the provisions of subsection A of § 46.2-1508, any manufacturer or				
41	distributor of buses that sells buses to a local government authority or non-profit provider				
42	in the Commonwealth for the purposes of public transportation, as defined in 49 U.S.C. §				
43	5302, shall not be required to obtain a manufacturers license from the Department of				
44	Motor Vehicles or a dealers license from the Motor Vehicle Dealer Board for such sales.				
45	For purposes of this item, "bus" means a rubber-tired automotive vehicle used for the				
46	provision of public transportation service by or for a recipient of federal or state funding				
47	allocated annually by the Commonwealth Transportation Board.				
48	W. Notwithstanding the provisions of Title 46.2 of the Code of Virginia, only entities that				
49	both (i) provide commercial motor vehicle training to the general public and (ii) are not				
50	Virginia governmental entities shall be required to be licensed or certified by the				
51	Department of Motor Vehicles to provide entry-level driver training in accordance with				
52	Subparts F and G of Part 380 of Title 49 of the Code of Federal Regulations in the				
53	Commonwealth of Virginia. Such entities shall be required to comply with the provisions				
54	of Chapter 17 of Title 46.2 of the Code of Virginia. No other person as defined in § 1-230				
55	shall be required to be licensed or certified by the Department of Motor Vehicles to				
56	provide entry-level driver training in the Commonwealth.				
57	437. Not set out.				

ITEM 437.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	438.	Not set out.				
2		Total for Department of Motor Vehicles.....			\$315,532,483	\$319,532,483
3		Nongeneral Fund Positions.....	2,222.00	2,222.00		
4		Position Level.....	2,222.00	2,222.00		
5		Fund Sources: Commonwealth Transportation.....	\$304,116,559	\$308,116,559		
6		Trust and Agency.....	\$5,446,600	\$5,446,600		
7		Federal Trust.....	\$5,969,324	\$5,969,324		
8	439.	Not set out.				
9	440.	Not set out.				
10		Grand Total for Department of Motor Vehicles.....			\$548,472,121	\$556,784,829
11		Nongeneral Fund Positions.....	2,222.00	2,222.00		
12		Position Level.....	2,222.00	2,222.00		
13		Fund Sources: Commonwealth Transportation.....	\$351,601,168	\$359,913,876		
14		Trust and Agency.....	\$10,946,600	\$10,946,600		
15		Dedicated Special Revenue.....	\$153,700,000	\$153,700,000		
16		Federal Trust.....	\$32,224,353	\$32,224,353		
17	441.	Not set out.				
18	442.	Not set out.				
19	443.	Not set out.				
20	444.	Not set out.				
21		§ 1-39. DEPARTMENT OF TRANSPORTATION (501)				
22	445.	Environmental Monitoring and Evaluation (51400)....			\$40,930,642	\$41,374,407
23						\$43,957,252
24		Environmental Monitoring and Compliance for				
25		Highway Projects (51408).....	\$8,980,886	\$8,428,674		
26				\$10,873,613		
27		Environmental Monitoring Program Management				
28		and Direction (51409).....	\$3,433,626	\$3,496,386		
29				\$3,595,685		
30		Municipal Separate Storm Sewer System (MS4)				
31		Compliance Activities (51410).....	\$28,516,130	\$29,449,347		
32				\$29,487,954		
33		Fund Sources: Commonwealth Transportation.....	\$40,930,642	\$41,374,407		
34				\$43,957,252		
35	446.	Ground Transportation Planning and Research			\$79,132,074	\$88,635,045
36		(60200).....				\$94,330,053
37						
38		Ground Transportation System Planning (60201).....	\$65,016,686	\$74,230,434		
39				\$76,516,165		
40		Ground Transportation System Research (60202).....	\$9,819,773	\$10,062,534		
41				\$13,471,811		
42		Ground Transportation Program Management and				
43		Direction (60204).....	\$4,295,615	\$4,342,077		
44		Fund Sources: Commonwealth Transportation.....	\$79,132,074	\$88,635,045		
45				\$94,330,053		
46		Authority: Title 33.2, Code of Virginia.				

ITEM 446.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	A. Included in the amount for ground transportation system planning and research is no				
2	less than \$6,500,000 the first year and no less than \$6,500,000 the second year from the				
3	highway share of the Transportation Trust Fund for the planning and evaluation of options				
4	to address transportation needs. Included in the amounts in this item, \$50,000 the second				
5	year from the allocations to the Office of Intermodal Planning and Investment is provided				
6	for sponsorship support of the eighth annual Mobility Talks International (MTI)				
7	Conference in January, 2022. The Director of the Office of Innovation shall actively				
8	identify and engage connected and autonomous vehicle stakeholders in the				
9	Commonwealth in order to most effectively maximize the return on investment from				
10	participation in the MTI Conference for the operation of unmanned systems throughout				
11	Virginia.				
12	B. In addition, the Commonwealth Transportation Board may approve the expenditures of				
13	up to \$500,000 the first year and \$500,000 the second year from the highway share of the				
14	Transportation Trust Fund for the completion of advance activities, prior to the initiation				
15	of an individual project's design along existing highway corridors, to determine short-term				
16	and long-term improvements to the corridor. Such activities shall consider safety, access				
17	management, alternative modes, operations, and infrastructure improvements. Such funds				
18	shall be used for, but are not limited to, the completion of activities prior to the initiation				
19	of an individual project's design or to benefit identification of needs throughout the state				
20	or the prioritization of those needs. For federally eligible activities, the activity or item				
21	shall be included in the Commonwealth Transportation Board's annual update of the Six-				
22	Year Improvement program so that (i) appropriate federal funds may be allocated and				
23	reimbursed for the activities and (ii) all requirements of the federal Statewide				
24	Transportation Improvement Program can be achieved.				
25	C. Notwithstanding the provisions of Chapter 729 and Chapter 733 of the 2012 Acts of				
26	Assembly, the Commonwealth Transportation Board shall not reallocate any funds from				
27	projects on roadways controlled by any county that has withdrawn or elects to withdraw				
28	from the secondary system of state highways, nor from any roadway controlled by a city				
29	or town as part of the state's urban roadway system, based on a determination of				
30	nonconformity with the Commonwealth Transportation Board's Statewide Transportation				
31	Plan or the Six-Year Improvement Program. In jurisdictions that maintain roadways				
32	within their boundaries, the provisions of § 33.2-214, Code of Virginia, shall apply only to				
33	highways controlled by the Department of Transportation.				
34	D. The prioritization process developed under § 33.2-214.1, Code of Virginia, shall not				
35	apply to use of funds provided in this Item from the federal apportionments in the State				
36	Planning and Research Program.				
37	E. The Department, in conducting any study of the Interstate 664 corridor in south				
38	Hampton Roads shall, in consultation with the Department of Rail and Public				
39	Transportation and the Virginia Port Authority, review and consider potential future rail				
40	needs along the corridor including the long range development plan for the Port and the				
41	development of the Craney Island Marine Terminal.				
42	F. The Department of Transportation, with the assistance of the Virginia Institute for				
43	Marine Science, shall provide an annual update on the status of the Coastal Virginia				
44	Transportation Infrastructure Inundation Study no later than December 1 of each year to				
45	the Chairs of the House Appropriations and Senate Finance and Appropriations				
46	Committees, Chairs of the House and Senate Transportation Committees, Chair of the				
47	Joint Subcommittee on Coastal Flooding and Adaptation, and the Secretaries of				
48	Transportation and Natural Resources. The report shall include at a minimum: an up-to-				
49	date identification of at-risk rural, suburban and urban infrastructure, and planning and				
50	options to mitigate or eliminate the identified risks; and a report on what work remains to				
51	be completed and estimated time frame for the completion of its work.				
52	447. Highway Construction Programs (60300).....			\$3,650,896,554	\$3,778,863,742
53					\$4,398,542,631
54	Highway Construction Program Management				
55	(60315).....	\$44,231,815	\$45,054,161		
56			\$46,161,840		

ITEM 447.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	State of Good Repair Program (60320).....	\$293,716,106	\$291,210,325		
2			\$403,720,416		
3	High Priority Projects Program (60321).....	\$264,415,852	\$254,154,471		
4			\$392,278,703		
5	Construction District Grant Programs (60322).....	\$351,320,540	\$411,235,925		
6			\$495,957,931		
7	Specialized State and Federal Programs (60323).....	\$2,246,212,241	\$2,326,208,860		
8			\$2,821,723,741		
9	Legacy Construction Formula Programs (60324).....	\$451,000,000	\$451,000,000		
10			\$238,700,000		
11	Fund Sources: Commonwealth Transportation.....	\$3,125,496,554	\$3,060,688,742		
12			\$3,538,129,238		
13	Trust and Agency.....	\$338,800,000	\$496,275,000		
14			\$497,356,117		
15	Dedicated Special Revenue.....	\$186,600,000	\$221,900,000		
16			\$363,057,276		
17	Authority: Title 33.2, Chapter 3; Code of Virginia; Chapters 8, 9, and 12, Acts of Assembly of				
18	1989, Special Session II.				
19	A. From the appropriation for specialized state and federal programs funds shall be distributed				
20	as follows:				
21	1. An estimated \$115,575,647 the first year and \$117,783,238 the second year in federal state				
22	and matching funds shall be allocated for regional Surface Transportation Block Grant Funds				
23	and distributed to applicable metropolitan planning organizations pursuant to 23 USC 133;				
24	2. An estimated \$53,122,502 the first year and \$53,122,502 the second year in federal and				
25	state matching funds shall be allocated for the Highway Safety Improvement Program				
26	pursuant to 23 USC 148 An estimated \$43,468,716 the second year in federal and state				
27	matching funds shall be allocated for the Promoting Resilient Operations for Transformative,				
28	Efficient, and Cost-saving Transportation Program pursuant to 23 USC 176;				
29	3. An estimated \$83,848,855 the first year and \$82,345,399 the second year in federal and				
30	state matching funds shall be allocated for the Congestion Mitigation Air Quality program				
31	pursuant to 23 USC 149;				
32	4. \$99,624,385 the first year and \$110,105,167 <i>\$140,105,167</i> the second year shall be				
33	allocated for the Revenue Sharing Program pursuant to § 33.2-357, Code of Virginia;				
34	5. An estimated \$20,265,939 the first year and \$20,087,475 the second year in federal funds				
35	shall be allocated for the Surface Transportation Block Grant Program Set-Aside to 23 USC				
36	133(h).				
37	6. An estimated \$1,433,969,013 0 the first year and \$887,356,470 7 the second year in				
38	appropriation represents the estimated project participation costs from localities and regional				
39	entities.				
40	7. \$218,400,000 the second year in this appropriation represents the bond proceeds to be used				
41	for the Route 58 Corridor Development Program.				
42	8. \$15,333,333 the first year and \$15,333,333 the second year in state funds shall be allocated				
43	to the Virginia Transportation Infrastructure Bank pursuant to § 33.2-1500 et seq, Code of				
44	Virginia.				
45	9. \$10,044,671 the first year and \$10,044,011 the second year in state funds shall be allocated				
46	to the Transportation Partnership Opportunity Fund pursuant to § 33.2-1529.1, Code of				
47	Virginia.				
48	10. <i>An estimated \$34,087,215 in the second year in federal and state matching funds shall be</i>				
49	<i>allocated for the Carbon Reduction Program pursuant to 23 USC 175.</i>				
50	B. Notwithstanding § 33.2-358, Code of Virginia, the proceeds from the lease or sale of				
51	surplus and residue property purchased under this program in excess of related costs shall be				
52	applied to the State of Good Repair Program pursuant to § 33.2-369, Code of Virginia.				

ITEM 447.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Proceeds must be used on Federal Title 23 eligible projects.				
2	C. The Director of the Department of Planning and Budget is authorized to increase the				
3	appropriation as needed to utilize amounts available from prior year balances in the				
4	dedicated funds and adjust items to the most recent Commonwealth Transportation Board				
5	budget.				
6	D. Funds appropriated for legacy formula construction programs shall be used for the				
7	purposes enumerated in subsection C of § 33.2-358, Code of Virginia, or as previously				
8	appropriated.				
9	E. Included in the amounts for specialized state and federal programs is the				
10	reappropriation of \$495,800,000 the first year and \$559,900,000 the second year from				
11	bond proceeds or dedicated special revenues for anticipated expenditure of amounts				
12	collected in prior years. The amounts will be provided from balances in the Capital				
13	Projects Revenue Bond Fund, Federal Transportation Grant Anticipation Revenue Bond				
14	Fund, Northern Virginia Transportation District Fund, State Route 28 Highway				
15	Improvement District Fund, U.S. Route 58 Corridor Development Fund, Interstate 81				
16	Corridor Improvement Program, Interstate Operations and Enhancement Program,				
17	Concession Funds from the Interstate 95 Express Lanes and Interstate 66 Outside-the-				
18	Beltway Project Agreements and the Priority Transportation Fund. These amounts were				
19	originally appropriated when received or forecasted and are not related to estimated				
20	revenues of the current biennium.				
21	F. The Director of the Department of Planning and Budget is authorized to increase the				
22	appropriation as needed to utilize amounts available from prior year balances in the				
23	Concession Payments Account to support project activities.				
24	G. The Commissioner shall promulgate policies, regulations, and guidelines for				
25	Transportation Alternative Set-Aside Grants and other locally administered projects that,				
26	to the maximum extent permissible under 23 CFR 365.105, authorize full-time employees				
27	of a planning district commission established pursuant to the Regional Cooperation Act of				
28	1968, § 15.2-4200. et. seq. Code of Virginia, who have obtained qualified status to serve				
29	as the responsible charge under the Locally Administered Projects Qualification Program				
30	requirements of the Federal Highway Administration.				
31	H. In the instance where there is a reduction in the prescribed weight of any vehicle or				
32	combination of vehicles passing over any bridge, or bridges constituting a part of the				
33	interstate, primary, or secondary system of highways, in addition to posting signage in				
34	accordance with § 46.2-1104, Code of Virginia, the Department shall make a good faith				
35	effort to notify businesses in the surrounding area of the reduction in prescribed weight via				
36	electronic, telephone or mail as well as posting in local media in the surrounding				
37	localities. The Department shall continue to maintain an updated website, and related				
38	social media pages, and shall work with its local partners to develop an electronic				
39	communication list to facilitate seamless notification of all businesses using the route for				
40	transportation purposes in the surrounding area.				
41	447.10 Transportation Initiatives (62100).....			\$233,400,000	\$55,000,000
42					\$342,496,000
43	Transportation Initiative (62101).....	\$233,400,000	\$55,000,000		
44			\$342,496,000		
45	Fund Sources: General.....	\$0	\$55,000,000		
46			\$342,496,000		
47	Federal Trust.....	\$233,400,000	\$0		
48	A. The funds appropriated in this section represent one-time federal funds, one-time				
49	general funds and uncommitted state funds in special programs for economic development				
50	and access purposes from previous fiscal years, and as such their appropriation is not				
51	subject to the intent in subsection Q of Item 430.				
52	B. Included in this item are \$233,400,000 in the first year in public funds made available				
53	for Highway Infrastructure Programs by the Coronavirus Response and Relief				
54	Supplemental Appropriations Act (P.L. 116-260), \$20,000,000 in the first year out of				
55	uncommitted balances in the Transportation Partnership Opportunity Fund established				

ITEM 447.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	pursuant to § 33.2-1528.1., Code of Virginia, \$15,000,000 in the first year in uncommitted				
2	balances previously allocated for Financial Assistance for Planning, Access Road, and Special				
3	Projects (60704), and \$55,000,000 \$342,496,000 in the second year from the general fund,				
4	including the FY 2021 General Fund Surplus directed to the Commonwealth Transportation				
5	Fund pursuant to § 2.2-1514 of the Code of Virginia. These funds shall be used by the				
6	Commonwealth Transportation Board support the following initiatives:				
7	1. Up to \$83,500,000 shall be transferred to Item 443 to extend intercity passenger rail service				
8	from Roanoke, Virginia to the Blacksburg-Christiansburg, Virginia area and increase the				
9	frequency of intercity passenger rail service along the I-81/Route 29 Corridor from				
10	Washington, DC;				
11	2. Up to \$83,500,000 shall be transferred to Item 442 to improve commuter rail service on the				
12	Virginia Railway Express Manassas Line;				
13	3. Up to \$93,100,000 shall be transferred to Item 447 for improvements to the Interstate 64				
14	Corridor as follows: (i) to provide any amounts necessary to complete the funding plan for the				
15	Hampton Roads Express Lanes as identified in the Master Agreement for Development and				
16	Tolling of the Hampton Roads Express Lanes Network executed pursuant to Chapter 703 of				
17	the 2020 Acts of Assembly;; and (ii) any remaining amounts to improve Interstate 64 between				
18	exit 205 and exit 234 as determined by the Commonwealth Transportation Board;				
19	4. Up to \$32,400,000 shall be transferred to Item 442 with an amount necessary to ensure the				
20	Commonwealth can provide its share of the dedicated regional funding for the Washington				
21	Metropolitan Area Transit Authority for fiscal year 2022 to be deposited into the Washington				
22	Metropolitan Area Transit Authority Capital Fund (60905) established pursuant to § 33.2-				
23	3401, Code of Virginia, and any amounts remaining after that shall be provided to the				
24	Northern Virginia Transportation Commission to reduce the fiscal year 2022 operational				
25	obligations of its member jurisdictions, based on the current formula, to Metrorail, Metrobus				
26	and MetroAccess services;				
27	5. Up to \$10,000,000 shall be transferred to Item 447 for regional trails to support the				
28	planning, development and construction of multi-use trails with priority given by the Board to				
29	developing new regionals trails, to projects to improve connectivity of existing trail networks,				
30	and to geographic diversity in the use of such funds;				
31	6. Up to \$10,900,000 shall be transferred to Item 442 and used for purposes set forth in				
32	subsection F of § 33.2-1526.1:2, Code of Virginia, to establish pilot programs for fare-free				
33	transit with urban and rural transit providers, and an amount not to exceed \$900,000 may be				
34	used to study transit equity and modernization in the Commonwealth; and;				
35	7. Up to \$10,000,000 shall be transferred to Item 447 for a connected infrastructure				
36	redevelopment demonstration program within and adjacent to the Virginia Tech campus in the				
37	City of Falls Church;;				
38	8. <i>Up to \$30,000,000 shall be transferred to Item 431 for improvements to the Mid-Atlantic</i>				
39	<i>Regional Spaceport that will enhance the capabilities of the Spaceport to support existing</i>				
40	<i>programs and provide access to space for new customers and programs;</i>				
41	9. <i>Up to \$37,500,000 shall be transferred to Item 446 for additional support of the planning,</i>				
42	<i>development, and construction of multi-use trails throughout the Commonwealth. Priority</i>				
43	<i>shall be given by the Board to new regional trails, projects to improve connectivity of existing</i>				
44	<i>trail networks, geographic diversity in the use of such funds, and for the establishment of a</i>				
45	<i>State Trails Office and to develop a State Trails Plan and State Trails Information</i>				
46	<i>Clearinghouse consistent with the January 2022 "Report of Virginia Multi-Use Trails</i>				
47	<i>Initiative" established pursuant to subsection G of this item. In developing the initial State</i>				
48	<i>Trails Plan, the State Trails Office shall coordinate with the State Trails Advisory Committee</i>				
49	<i>and the Department of Conservation and Recreation to ensure consistency with the Virginia</i>				
50	<i>Outdoors Plan;</i>				
51	10. <i>Up to \$210,000,000 shall be transferred to Item 447 to improve Interstate 64 between exit</i>				
52	<i>205 and exit 234 with priority given to enhancements that provide long-term traffic flow</i>				
53	<i>improvements for the full 29-mile corridor; and</i>				
54	11. <i>Up to \$10,000,000 shall be transferred to Item 447 to support the extension of the Nimmo</i>				

ITEM 447.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Parkway.				
2	C. The Commonwealth Transportation Board shall provide an interim report to the				
3	Governor and the General Assembly on the use of the funds provided by this item no later				
4	than November 1, 2021 and a final report to the Governor and the General Assembly no				
5	later than June 30, 2022.				
6	D. Any funds not allocated by June 1, 2022 for the purposes set forth in this section shall				
7	be transferred to Item 448 and used to support additional pavement and bridge				
8	maintenance pursuant with the Department of Transportation's asset management practices				
9	developed pursuant to § 33.2-352, Code of Virginia. Any funds not allocated by June 30,				
10	2022 for the purposes set forth in this section shall not revert to the general fund, but shall				
11	be carried over to the next fiscal year for the identified purposes.				
12	E. As a part of the initiative described in subsection B.1. of this item, the Secretary of				
13	Transportation shall provide an assessment of both the total project costs and incremental				
14	costs resulting from (i) the extension of intercity passenger rail to Bristol, Virginia; and				
15	(ii) modelling conducted to assess any infrastructure or network costs needed to service a				
16	rail station in Bedford, Virginia to the Chairs of the House Committee on Appropriations				
17	and the Senate Committee on Finance and Appropriations no later than November 15,				
18	2021.				
19	F. For amounts available pursuant to subsection B.3. of this item, the Board shall not				
20	distribute any funds for the Hampton Roads Express Lanes Network until updated traffic				
21	and revenue modeling considering summer weekend traffic volumes is completed and the				
22	amount necessary to complete the funding plan, if any, is determined by the Hampton				
23	Roads Transportation Accountability Commission in coordination with the Board. In the				
24	event that funds are available to improve the Interstate 64 corridor between exit 205 and				
25	exit 234, the Board shall coordinate with the Central Virginia Transportation Authority to				
26	determine whether there is an opportunity to partner with the Authority on such				
27	improvements.				
28	G. As a part of the initiative described in subsection B.5., the Office of Intermodal				
29	Planning and Investment shall coordinate a policy working group comprised of				
30	representatives from the Department of Transportation, the Department of Rail and Public				
31	Transportation, the Department of Conservation and Recreation, the Statewide Trails				
32	Advisory Committee, staff of the House Appropriations Committee, and staff of the				
33	Senate Finance and Appropriations Committee. The working group shall evaluate and				
34	recommend a prioritization process for the identification of new multi-use trail				
35	opportunities, a master planning process, and a funding needs assessment. The Office of				
36	Intermodal Planning shall report on the recommendations of the working group to the				
37	Chairs of the House Appropriations and Senate Finance and Appropriations Committees				
38	no later than October 15, 2021.				
39	H. For the amounts available pursuant to subsection B.7., the Board shall not distribute				
40	any funds for the connected infrastructure redevelopment demonstration program unless				
41	the entity implementing and managing the demonstration program has entered into an				
42	agreement with the Department of Transportation to facilitate information sharing and				
43	knowledge exchange.				
44	I. In carrying out the intent of this item, the federal funds provided in this item may be				
45	exchanged for existing state funds, as needed and at the discretion of the Commonwealth				
46	Transportation Board, to meet federal eligibility requirements provided the amount of the				
47	funding exchanged does not reduce or increase total funding available for the 2021				
48	Transportation Funding Initiative.				
49	J. If additional one-time, supplemental federal funds in excess of \$55,000,000, with				
50	eligibilities similar to the public funds made available for Highway Infrastructure				
51	Programs by the Coronavirus Response and Relief Supplement Appropriations Act (P.L.				
52	116-260), is provided by the Federal Highway Administration to the Commonwealth prior				
53	to June 30, 2021, then the Director of the Department of Planning and Budget shall unallot				
54	the \$55,000,000 in general funds in this item. Further it is the intent of the General				
55	Assembly that the provisions of subsection A. of this item apply to any such additional,				

ITEM 447.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	supplemental federal funds described in this subsection.				
2	448. Highway System Maintenance and Operations				
3	(60400).....			\$2,029,488,121	\$2,063,801,321
4					\$2,044,241,898
5	Interstate Maintenance (60401).....	\$478,454,164	\$492,589,159		
6			\$483,271,804		
7	Primary Maintenance (60402).....	\$636,797,939	\$633,613,750		
8			\$635,052,099		
9	Secondary Maintenance (60403).....	\$617,577,417	\$619,276,503		
10			\$602,436,979		
11	Transportation Operations Services (60404).....	\$215,938,658	\$214,796,135		
12			\$219,955,243		
13	Highway Maintenance Operations, Program				
14	Management and Direction (60405).....	\$80,719,943	\$103,525,774		
15			\$103,525,773		
16	Fund Sources: Commonwealth Transportation.....	\$2,029,488,121	\$2,063,801,321		
17			\$2,044,241,898		
18	A. The department is authorized to enter into agreements with state and local law enforcement				
19	officials to facilitate the enforcement of high occupancy vehicle (HOV) restrictions				
20	throughout the Commonwealth and metropolitan planning regions.				
21	B. Should federal law be changed to permit privatization of rest area operations, the				
22	department is hereby authorized to accept or solicit proposals for their development and/or				
23	operation.				
24	C. The Director, Department of Planning and Budget, is authorized to increase the				
25	appropriation in this Item as needed to utilize amounts available from prior year balances in				
26	the dedicated funds.				
27	D. The Commissioner's annual report pursuant to § 33.2-232, Code of Virginia, shall include				
28	an assessment of whether the department has met its secondary road pavement targets, by				
29	district and on a statewide basis.				
30	449. Statewide Special Structures (61400).....			\$0	\$5,000,000
31					\$30,000,000
32	Statewide Special Structures - Maintenance (61402)...	\$0	\$5,000,000		
33			\$30,000,000		
34	Fund Sources: Commonwealth Transportation.....	\$0	\$5,000,000		
35			\$30,000,000		
36	450. Commonwealth Toll Facilities (60600).....			\$83,665,648	\$93,642,614
37					\$71,104,020
38	Toll Facility Debt Service (60602).....	\$2,955,750	\$0		
39	Toll Facility Maintenance And Operation (60603).....	\$43,959,898	\$56,892,614		
40			\$34,354,020		
41	Toll Facilities Revolving Fund (60604).....	\$36,750,000	\$36,750,000		
42	Fund Sources: Commonwealth Transportation.....	\$77,164,367	\$87,642,614		
43			\$65,104,020		
44	Trust and Agency.....	\$6,501,281	\$6,000,000		
45	Authority: §§ 33.2-1524 and 33.2-1700 through 33.2-1729, Code of Virginia.				
46	A. Included in this Item are funds for the installation and implementation of a statewide				
47	Electronic Toll Customer Service/Violation Enforcement System.				
48	B: It is the intent of the General Assembly that the toll revenues, and any bond proceeds or				
49	concession payments backed by such toll revenues, derived from the express lanes on				
50	Interstate 64 between the interchange of Interstate 64 with Interstate 664 and the interchange				
51	of Interstate 64 with Interstate 564 be used to reduce the necessary contribution from the				
52	Hampton Roads Transportation Accountability Commission established pursuant Chapter 26				
53	of Title 33.2, Code of Virginia, for a project to expand the capacity of Interstate 64 between				
54	the interchange of Interstate 64 with Interstate 664 and the interchange of Interstate 64 with				

ITEM 450.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Interstate 564. However, such funds may be used to support other related projects if				
2	mutually agreed upon by the Hampton Roads Transportation Accountability Commission				
3	and the Commonwealth Transportation Board.				
4	C. The Department shall not charge a fee to customers who have a EZ Pass flex or				
5	standard transponder based on the transponder not being used or being infrequently used.				
6	451. Financial Assistance to Localities for Ground				
7	Transportation (60700).....			\$1,128,550,979	\$1,285,004,357
8					\$1,349,909,636
9	Financial Assistance for City Road Maintenance				
10	(60701).....	\$397,832,085	\$411,077,641		
11			\$405,955,990		
12	Financial Assistance for County Road				
13	Maintenance (60702).....	\$70,610,931	\$71,892,921		
14			\$71,935,383		
15	Financial Assistance for Planning, Access Roads,				
16	and Special Projects (60704).....	\$15,896,079	\$15,935,618		
17			\$17,476,106		
18	Distribution of Northern Virginia Transportation				
19	Authority Fund Revenues (60706).....	\$299,311,884	\$335,950,325		
20			\$394,442,157		
21	Distribution of Hampton Roads Transportation				
22	Fund Revenues (60707).....	\$208,000,000	\$235,500,000		
23			\$275,100,000		
24	Distribution of Central Virginia Transportation				
25	Fund.Revenues (60710).....	\$136,900,000	\$214,647,852		
26			\$185,000,000		
27	Fund Sources: Commonwealth Transportation.....	\$484,339,095	\$498,906,180		
28			\$495,367,479		
29	Dedicated Special Revenue.....	\$644,211,884	\$786,098,177		
30			\$854,542,157		
31	Authority: Title 33.2, Chapter 1, Code of Virginia.				
32	A. Out of the amounts for Financial Assistance for Planning, Access Road, and Special				
33	Projects, \$7,000,000 the first year and \$7,000,000 the second year from the				
34	Commonwealth Transportation Fund shall be allocated for purposes set forth in §§ 33.2-				
35	1509 , 33.2-1600 , and 33.2-1510 , Code of Virginia. Of this amount, the allocation for				
36	Recreational Access Roads shall be \$1,500,000 the first year and \$1,500,000 the second				
37	year. It is the intent of the General Assembly that up to \$250,000 of the funds allocated by				
38	the Commonwealth Transportation Board for Recreational Access Roads in this Item shall				
39	be prioritized for handicapped accessibility improvements at Virginia State Parks,				
40	including improvements to handicapped access points and parking facility enhancements				
41	as may be requested by the Department of Conservation and Recreation.				
42	B. Distribution of Northern Virginia Transportation Authority Fund Revenues represents				
43	direct payments, of the revenue collected and deposited into the Fund, to the Northern				
44	Virginia Transportation Authority for uses contained in Chapter 766, 2013 Acts of				
45	Assembly. Notwithstanding any other provision of law, moneys deposited into the				
46	Hampton Roads Transportation Fund shall be transferred to the Hampton Roads				
47	Transportation Accountability Commission for use in accordance with § 33.2-2611 , Code				
48	of Virginia. Distribution of the Central Virginia Transportation Authority Fund revenues				
49	represents direct payments, of the revenue collected and deposited into the Fund, to the				
50	Central Virginia Transportation Authority for uses contained in House Bill 1541 as				
51	enacted by the 2020 General Assembly				
52	C. The prioritization process developed under § 33.2-214.1 , Code of Virginia, shall not				
53	apply to use of funds provided in this Item from federal apportionments in the				
54	Metropolitan Planning Program.				
55	D. Consistent with § 33.2-366 , Code of Virginia, the Commonwealth Transportation				
56	Board, when establishing annual rates of payments to Counties that have elected to				
57	withdraw from the secondary highway system, shall adjust such rate annually with i)				
58	procedures established for adjusting payments to cities, and ii) lane mileage adjustments.				

ITEM 451.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	It is the express intent of the General Assembly that under no circumstance shall the addition				
2	of lane miles to one jurisdiction result in the direct or indirect reduction in the calculation of				
3	payment to any other jurisdiction receiving payment from funds appropriated for Financial				
4	Assistance for County Road Maintenance (60702).				
5	E. The Department of Transportation shall report on an annual basis to the Commonwealth				
6	Transportation Board on the impact of adjusting the payments made as part of Financial				
7	Assistance to Localities distributions for inflation consistent with adjustments for highway				
8	system maintenance and operations.				
9	F. Of the amounts in this item, \$1,000,000 the first year and \$1,000,000 the second year from				
10	the Commonwealth Transportation Fund is appropriated for service charges to be paid to				
11	localities in which the Virginia Port Authority owns tax-exempt real estate for roadway				
12	maintenance activities in the jurisdictions hosting Virginia Port Authority facilities. These				
13	payments shall be treated the same as other Commonwealth Transportation Board payments				
14	to localities for highway maintenance. These funds shall not be used for other activities nor				
15	shall they supplant other local government expenditures for roadway maintenance. These				
16	funds shall be distributed to the localities on a pro rata basis in accordance with the formula				
17	set out in § 58.1-3403 D, Code of Virginia; however, the proportion of the funds distributed				
18	based on cargo traveling through each port facility shall be distributed on a pro rata basis				
19	according to twenty-foot equivalent units.				
20	G. Notwithstanding the provisions of § 33.2-1509, Code of Virginia, and consistent with the				
21	provisions of § 4-13.00 of this Act, no locality that has been allocated funds for a bonded				
22	project by the Commonwealth Transportation Board pursuant to § 33.2-1509, Code of				
23	Virginia, shall be required to repay such funds during the 48-month period beginning on the				
24	effective date of this act, provided that all of the other conditions of the Commonwealth				
25	Transportation Board's economic development access policy are met.				
26	<i>H. The Department of Transportation shall conduct an evaluation of the conditions of city</i>				
27	<i>streets. The evaluation shall include (i) an assessment of the current conditions of pavements</i>				
28	<i>and bridges on city-maintained streets throughout the Commonwealth, (ii) a review of the</i>				
29	<i>current formula used for distributing city street payments including comparisons of age,</i>				
30	<i>condition, vehicles miles traveled relative to per mile payments, (iii) opportunities for</i>				
31	<i>efficiency through partnerships with the Department, and (iv) recommendations, if any, for</i>				
32	<i>revisions to the formula for the distribution of city street payments. The evaluation shall be</i>				
33	<i>complete no later than December 1, 2023. All costs for conducting the evaluation shall be</i>				
34	<i>borne by the Department and under no circumstance shall funds appropriated for Financial</i>				
35	<i>Assistance for City Road Maintenance (60701) be reduced related to the costs of conducting</i>				
36	<i>the evaluation.</i>				
37	452. Non-Toll Supported Transportation Debt Service				
38	(61200).....			\$407,887,551	\$413,750,227
39					\$382,018,631
40	Highway Transportation Improvement District Debt				
41	Service (61201).....	\$8,644,519	\$8,644,519		
42	Designated Highway Corridor Debt Service (61202)..	\$68,171,266	\$69,909,350		
43			\$43,280,986		
44	Commonwealth Transportation Capital Projects				
45	Bond Act Debt Service (61204).....	\$196,254,150	\$193,718,070		
46			\$194,135,344		
47	Federal Transportation Grant Anticipation Revenue				
48	Notes Debt Service (61205).....	\$134,817,616	\$134,881,288		
49			\$129,951,050		
50	Interstate 81 Corridor Improvement Program Debt				
51	Service (61206).....	\$0	\$6,597,000		
52			\$6,006,732		
53	Fund Sources: Commonwealth Transportation.....	\$134,817,616	\$135,140,660		
54			\$129,951,050		
55	Trust and Agency.....	\$267,255,436	\$266,453,841		
56			\$239,911,855		
57	Dedicated Special Revenue.....	\$0	\$6,597,000		
58	Federal Trust.....	\$5,814,499	\$5,558,726		

ITEM 452.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Authority: Titles 15.2, 33.2, and 58.1 of the Code of Virginia; Chapters 827 and 914, Acts of Assembly of 1990; Chapters 233 and 662, Acts of Assembly of 1994; Chapter 8, as amended by Chapter 538, Acts of Assembly of 1999; Chapters 1019 and 1044, Acts of Assembly of 2000; Chapter 799, Acts of Assembly of 2002; Chapter 896, Acts of Assembly of 2007; and Chapters 830 and 868, Acts of Assembly of 2011				
6	A.1. The amount shown for Highway Transportation Improvement District Construction shall be derived from payments made to the Transportation Trust Fund pursuant to the Contract between the State Route 28 Highway Transportation Improvement District and the Commonwealth Transportation Board dated September 1, 1988 as amended by the Amended and Restated District Contract by and among the Commonwealth Transportation Board, the Fairfax County Economic Development Authority and the State Route 28 Highway Transportation Improvement District Commission (the "District Commission") dated August 30, 2002, and May 1, 2012 (the "District Contract").				
14	2. There is hereby appropriated for payment immediately upon receipt to a third party approved by the Commonwealth Transportation Board, or a bond trustee selected by such third party, a sum sufficient equal to the special tax revenues collected by the Counties of Fairfax and Loudoun within the State Route 28 Highway Transportation Improvement District and paid to the Commonwealth Transportation Board by or on behalf of the District Commission (the "contract payments") pursuant to § 15.2-4600 et seq., Code of Virginia, and the District Contract between the Commonwealth Transportation Board and the District Commission.				
22	3. The contract payments may be supplemented from the Construction District Grant Program pursuant to § 33.2-371 allocated to the highway construction district in which the project financed is located, or any other lawfully available revenues of the Transportation Trust Fund, as may be necessary to meet debt service obligations. The payment of debt service shall be for the bonds (the Series 2012 Bonds) issued under the "Commonwealth of Virginia Transportation Contract Revenue Bond Act of 1988" (Chapters 653 and 676, Acts of Assembly of 1988 as amended by Chapters 827 and 914 of the Acts of Assembly of 1990). Funds required to pay the total debt service on the Series 2012 Bonds shall be made available in the amounts indicated in paragraph E of this Item.				
31	B.1. Out of the amounts in this Item, \$40,000,000 the first year and \$40,000,000 the second year from the <i>Commonwealth Transportation</i> Transportation Trust Fund shall be paid to the U.S. Route 58 Corridor Development Fund, hereinafter referred to as the "Fund", established pursuant to § 33.2-2300, Code of Virginia. This payment shall be in lieu of the deposit of state recordation taxes to the Fund; as specified in the cited Code section: Said recordation taxes which would otherwise be deposited to the Fund shall be retained by the general fund. Additional appropriations required for the U.S. Route 58 Corridor Development Fund, an amount estimated at \$20,000,000 the first year and \$20,000,000 the second year shall be transferred from the highway share of the Transportation Trust Fund.				
41	2. Pursuant to the "U.S. Route 58 Commonwealth of Virginia Transportation Revenue Bond Act of 1989" (as amended by Chapter 538 of the 1999 Acts of Assembly and Chapter 296 of the 2013 Acts of Assembly), the amounts shown in paragraph E of this Item shall be available from the Fund for debt service for the bonds previously issued and additional bonds issued pursuant to said act.				
46	C.1. The Commonwealth Transportation Board shall maintain the Northern Virginia Transportation District Fund, hereinafter referred to as the "Fund." Pursuant to § 33.2-2400, Code of Virginia, and for so long as the Fund is required to support the issuance of bonds, the Fund shall include at least the following elements:				
50	a. Amounts provided from state transportation revenues estimated at \$20,000,000 \$40,000,000 the first year and \$20,000,000 \$40,000,000 the second year to support the debt service.				
53	b. Any public right-of-way use fees allocated by the Department of Transportation pursuant to § 56-468.1 of the Code of Virginia and attributable to the counties of Fairfax, Loudoun, and Prince William, the amounts estimated at \$5,387,165 the first year and \$5,387,165 the second year.				

ITEM 452.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	c. Any amounts which may be deposited into the Fund pursuant to a contract between the				
2	Commonwealth Transportation Board and a jurisdiction or jurisdictions participating in the				
3	Northern Virginia Transportation District Program, the amounts estimated to be \$816,000 the				
4	first year and \$816,000 the second year.				
5	2. The Fund shall support the issuance of bonds at a total authorized level of \$500,200,000 for				
6	the purposes provided in the "Northern Virginia Transportation District, Commonwealth of				
7	Virginia Revenue Bond Act of 1993," Chapter 391, Acts of Assembly of 1993 as amended by				
8	Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of				
9	Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts				
10	of Assembly, and Chapter 621 of the 2005 Acts of Assembly.				
11	3. Pursuant to the Northern Virginia Transportation District, Commonwealth of Virginia				
12	Revenue Bond Act of 1993, Chapter 391, Acts of Assembly of 1993, and as amended by				
13	Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of				
14	Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts				
15	of Assembly, and Chapter 621 of the 2005 Acts of Assembly, amounts shown in paragraph E				
16	of this Item shall be available from the Fund for debt service for the bonds previously issued				
17	and additional bonds issued pursuant to said act.				
18	4. Should the actual distribution of recordation taxes to the localities set forth in § 33.2-2400,				
19	Code of Virginia; exceed the amount required for debt service on the bonds issued pursuant to				
20	the above act; such excess amount shall be transferred to the Northern Virginia Transportation				
21	District Fund in furtherance of the program described in § 33.2-2401, Code of Virginia.				
22	5. Should the actual distribution of recordation taxes to said localities funds from the				
23	Commonwealth Transportation Fund be less than the amount required to pay debt service on				
24	the bonds, the Commonwealth Transportation Board is authorized to meet such deficiency, to				
25	the extent required, from funds identified in Enactment No. 1, Section 11, of Chapter 391,				
26	Acts of Assembly of 1993.				
27	D.1. The Commonwealth Transportation Board shall maintain the City of Chesapeake account				
28	of the Set-aside Fund, pursuant to § 58.1-816.1 , Code of Virginia, which shall include funds				
29	provided from state transportation revenues estimated at \$1,000,000 in the first year and				
30	\$1,000,000 in the second year, and an amount estimated at \$980,000 the first year and				
31	\$980,000 the second year received from the City of Chesapeake pursuant to a contract or				
32	other alternative mechanism for the purpose provided in the "Oak Grove Connector, City of				
33	Chesapeake Commonwealth of Virginia Transportation Program Revenue Bond Act of 1994,"				
34	Chapters 233 and 662, Acts of Assembly of 1994 (hereafter referred to as the "Oak Grove				
35	Connector Act").				
36	2. The amounts shown in paragraph E of this Item shall be available from the City of				
37	Chesapeake account of the Set-aside Fund for debt service for the bonds issued pursuant to				
38	the Oak Grove Connector Act.				
39	3. Should the actual distribution of state transportation revenues and such local revenues from				
40	the City of Chesapeake as may be received pursuant to a contract or other alternative				
41	mechanism to the City of Chesapeake account of the Set-aside Fund be less than the amount				
42	required to pay debt service on the bonds, the Commonwealth Transportation Board is				
43	authorized to meet such deficiency, pursuant to Enactment No. 1, Section 11 of the Oak				
44	Grove Connector Act.				
45	E. Pursuant to various Payment Agreements between the Treasury Board and the				
46	Commonwealth Transportation Board, funds required to pay the debt service due on the				
47	following Commonwealth Transportation Board bonds shall be transferred to the Treasury				
48	Board as follows:				
49		FY 2021		FY 2022	
50	Transportation Contract Revenue Refund	\$8,644,519		\$8,644,519	
51	Bonds, Series 2012 (Refunding Route 28)				
52	Commonwealth of Virginia				
53	Transportation Revenue Bonds: U.S.				

ITEM 452.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Route 58 Corridor Development				
2	Program:				
3	Series 2014B (Refunding)	\$18,755,500			\$10,636,500
4	Series 2016C (Refunding)	\$6,237,750			\$6,240,500
5	Northern Virginia Transportation				
6	District Program:				
7	Series 2012A (Refunding)	\$5,653,038			\$5,653,288
8	Series 2014A (Refunding)	\$6,548,500			\$1,359,750
9	Series 2016B (Refunding)	\$463,500			\$463,500
10	Series 2019A (Refunding)	\$3,956,900			\$3,951,150
11	Transportation Program Revenue				
12	Bonds:				
13	Series 2016A (Oak Grove Connector,	\$1,984,750			\$1,989,750
14	City of Chesapeake)				
15	Capital Projects Revenue Bonds:				
16	Series 2010 A-2	\$35,432,025			\$35,197,073
17	Series 2011	\$21,099,750			
18	Series 2012	\$29,161,800			\$29,162,300
19	Series 2014	\$18,224,450			\$18,224,950
20	Series 2016	\$16,799,500			\$16,797,000
21	Series 2017	\$16,521,938			\$16,522,188
22	Series 2017A (Refunding)	\$30,408,400			\$48,948,400
23	Series 2018	\$9,197,350			\$9,198,600
24	Series 2019	\$15,062,438			\$15,061,688
25	F. Out of the amounts provided for in this Item, an estimated \$128,670,764 the first year				
26	and \$142,831,412 the second year from federal reimbursements shall be provided for debt				
27	service payments on the Federal Transportation Grant Anticipation Revenue Notes.				
28	G. Out of the amounts provided for this Item, an estimated \$196,254,151 the first year and				
29	\$200,052,699 the second year from the Priority Transportation Fund shall be provided for				
30	debt service payments on the Commonwealth Transportation Capital Projects Revenue				
31	Bonds. Any additional amounts needed to offset the debt service payment requirements				
32	attributable to the issuance of the Capital Projects Revenue Bonds shall be provided from				
33	the Transportation Trust Fund.				
34	H. The Commonwealth Transportation Board is hereby authorized, by and with the				
35	consent of the Governor, to issue, pursuant to the applicable provisions of the				
36	Transportation Development and Revenue Bond Act (§ 33.2-1700 et seq., Code of				
37	Virginia) as amended from time to time, revenue obligations of the Commonwealth to be				
38	designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds,				
39	Series XXXX" at one or more times in an aggregate principal amount not to exceed				
40	\$180,000,000, after all costs. The net proceeds of the bonds shall be used exclusively for				
41	the purpose of providing funds for paying the costs incurred or to be incurred for				
42	construction or funding of transportation projects set forth in Item 449.10 of Chapter 847				
43	of the Acts of Assembly of 2007, including but not limited to environmental and				
44	engineering studies; rights-of-way acquisition; improvements to all modes of				
45	transportation; acquisition, construction and related improvements; and any financing				
46	costs and other financing expenses. Such costs may include the payment of interest on the				
47	bonds for a period during construction and not exceeding one year after completion of				
48	construction of the projects. Notwithstanding the provisions of Item 449.10 of Chapter				
49	847 of the acts of Assembly 2007, any remaining funding may be used for the purposes set				
50	forth in subsection G of Item 453 of Chapter 665, 2015 Acts of Assembly.				
51	I. Out of the amounts provided for in this Item, an estimated \$6,597,000 the second year				
52	from the Interstate 81 Corridor Fund shall be provided for debt service payments on the				

ITEM 452.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Interstate 81 Corridor Improvement Bonds.				
2	453. Administrative and Support Services (69900).....			\$300,397,680	\$299,372,870
3					\$302,707,781
4	General Management and Direction (69901).....	\$159,465,571	\$156,789,044		
5			\$163,937,254		
6	Information Technology Services (69902).....	\$108,188,208	\$105,595,362		
7			\$105,791,557		
8	Facilities and Grounds Management Services				
9	(69915).....	\$20,191,707	\$20,422,768		
10			\$20,540,895		
11	Employee Training and Development (69924).....	\$12,552,194	\$16,565,696		
12			\$12,438,075		
13	Fund Sources: Commonwealth Transportation.....	\$300,397,680	\$299,372,870		
14			\$302,707,781		
15	Authority: Title 33.2, Code of Virginia.				
16	A. Notwithstanding any other provision of law, the highway share of the Transportation Trust				
17	Fund shall be used for highway maintenance and operation purposes prior to its availability				
18	for new development, acquisition, and construction.				
19	B. Administrative and Support Services shall include funding for management, direction, and				
20	administration to support the department's activities that cannot be directly attributable to				
21	individual programs and/or projects.				
22	C. Out of the amounts for General Management and Direction, allocations shall be provided				
23	to the Commonwealth Transportation Board to support its operations, the payment of				
24	financial advisory and legal services, and the management of the Commonwealth				
25	Transportation Fund.				
26	D. Notwithstanding any other provision of law, the department may assess and collect the				
27	costs of providing services to other entities, public and private. The department shall take all				
28	actions necessary to ensure that all such costs are reasonable and appropriate, recovered, and				
29	understood as a condition to providing such service.				
30	E. Each year, as part of the six-year financial planning process, the commissioner shall				
31	implement a long-term business strategy that considers appropriate staffing levels for the				
32	department. In addition, the commissioner shall identify services, programs, or projects that				
33	will be evaluated for devolution or outsourcing in the upcoming year. In undertaking such				
34	evaluations, the commissioner is authorized to use the appropriate resources, both public and				
35	private, to competitively procure those identified services, programs, or projects and shall				
36	identify total costs for such activities.				
37	F. Notwithstanding § 4-2.03 of this act, the Virginia Department of Transportation shall be				
38	exempt from recovering statewide and agency indirect costs from the Federal Highway				
39	Administration until an indirect cost plan can be evaluated and developed by the agency and				
40	approved by the Federal Highway Administration.				
41	G. The Director, Department of Planning and Budget, is authorized to adjust appropriations				
42	and allotments for the Virginia Department of Transportation to reflect changes in the official				
43	revenue estimates for commonwealth transportation funds.				
44	H. Out of the amounts for General Management and Direction, allocations shall be provided				
45	to support the capital lease agreement with Fairfax County for the Northern Virginia District				
46	building. An amount estimated at \$7,800,000 the first year and \$7,800,000 the second year				
47	from Commonwealth Transportation Funds shall be provided.				
48	I. Notwithstanding any other provisions of law, the Commonwealth Transportation				
49	Commissioner may enter into a contract with homeowner associations for grounds-keeping,				
50	mowing, and litter removal services.				
51	J. Notwithstanding the provisions § 2.2-2402 of the Code of Virginia, no construction,				
52	erection, repair, upgrade, removal or demolition of any building, fixture or structure located or				
53	to be located on property of the Commonwealth of Virginia under the control of the Virginia				

ITEM 453.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Department of Transportation (VDOT) and within the secured area of a residency, area				
2	headquarters or district complex shall be subject to review or approval by the Art and				
3	Architectural Review Board as contemplated by that section. However, for changes to any				
4	building or fixture located on property owned or controlled by VDOT that has been				
5	designated or is under consideration for designation as a historic property, then VDOT				
6	shall submit such changes to the Art and Architectural Review Board for review and				
7	approval by the Board.				
8	K. The Virginia Department of Transportation is authorized to convey a 25-foot wide strip				
9	of land containing approximately 0.1923 acre located along the southeastern boundary of				
10	its original Callaway Area Headquarters parcel, Tax Map Parcel #0580004200, to Earl E.				
11	Bowman, Jr. and Elizabeth H. Bowman, husband and wife, in return for the termination of				
12	an existing easement in favor of the Bowmans across certain property of the				
13	Commonwealth, as shown in those certain deeds and plats recorded at Deed Book 1114,				
14	Page 1622 and Deed Book 1114, Page 1630 in the Clerk's Office of the Circuit Court of				
15	Franklin County, Virginia, and the conveyance from the Bowmans of a parcel of land				
16	containing approximately 0.3582 acres located adjacent to and northwest of VDOT's				
17	original parcel, all as shown on a plat to be agreed to between the Parties. The appraised				
18	value of the land to be acquired by VDOT shall be equal to or greater than the value of the				
19	land to be transferred from VDOT. The exact property to be conveyed as consideration for				
20	this transaction is subject to change or adjustment provided that all parties agree, the				
21	requirements for value and form are met, and the appropriate approvals are obtained. The				
22	conveyances shall be made with the recommendation of the Department of General				
23	Services, the approval of the Governor and shall be in a form approved by the Attorney				
24	General. The appropriate officials of the Commonwealth are hereby authorized to prepare,				
25	execute, and deliver such deed and other documents as may be necessary to accomplish				
26	the conveyance.				
27	L. 1. At such time as the Virginia Department of Transportation (VDOT) determines that				
28	the VDOT Residency office, on five acres, at 626 Waddell Street, in the City of Lexington				
29	is no longer required for VDOT's purposes, it shall offer to transfer the property to the				
30	City of Lexington prior to offering the property for transfer or sale to any other public or				
31	private agency or entity or individual, on such terms and conditions as provided below.				
32	2. The Virginia Department of Transportation and the City of Lexington shall each obtain				
33	a separate appraisal of the property, each performed by an appraiser licensed by the				
34	Commonwealth of Virginia as Certified General Real Property Appraisers, who must meet				
35	the competency provisions of the Uniform Standards of Professional Appraisal Practice.				
36	3. VDOT shall offer the property to the City of Lexington at a value which shall be				
37	determined by averaging the values from the two appraisals obtained in L.2. above. Any				
38	other conditions of the transfer shall be based on usual and customary terms for such				
39	intergovernmental transfers.				
40	4. If the Virginia Department of Transportation and the City of Lexington cannot agree on				
41	the terms of the transfer of the property, VDOT may transfer or sell the property to any				
42	other public or private agency or entity or individual on such terms as it determines are in				
43	the best interest of the Virginia Department of Transportation, however it will present				
44	those terms to the City of Lexington for its consideration prior to finalizing any transfer or				
45	sale to any other party.				
46	5. Any proceeds from the sale of the Waddell Street property may be used for the				
47	construction, staff relocation and other expenses related to the renovation of the VDOT				
48	Annex Building located at 1401 East Broad Street, Richmond, VA and any proceeds not				
49	so used shall be deposited in the Transportation Trust Fund.				
50	M. Notwithstanding any other provisions of law, the Virginia Department of				
51	Transportation (VDOT) is hereby authorized to market, sell and convey all or a portion of				
52	the Fulton property at 503 and 890 Bickerstaff Road and 421 Old Osborne Turnpike in				
53	Henrico, Virginia, containing 21.35 acres, more or less, as shown on a plat of survey				
54	entitled, "Commonwealth of Virginia Department of Highways and Transportation Fulton				
55	Depot" made by J.D. Hensdill, State Certified Engineer or Land Surveyor, dated October				
56	1976. Any proceeds from the sale of the Fulton property may be used for the construction,				
57	staff relocation and other expenses related to the renovation of the VDOT Annex Building				

ITEM 453.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	located at 1401 East Broad Street, Richmond, VA and any proceeds not so used shall be				
2	deposited in the Transportation Trust Fund.				
3	N. Notwithstanding any other provisions law, in addition to the marketing, sale and				
4	conveyance of any property pursuant to item C- 41.10 of the 2017 Appropriations Act, the				
5	Virginia Department of Transportation (VDOT) is hereby authorized to market, sell and				
6	convey all or a portion of the Hampton Roads District Bartlett Area Headquarters in Isle of				
7	Wight County, Virginia, containing 10.42 acres, more or less, as shown on a plat of survey				
8	entitled, "Newport Magisterial District Isle of Wight Count, Virginia subdivision of property				
9	of: Thomas L. Newton, Jr. & Thomas S. Word, Jr. Trustees" made by W. L. Jessee, State				
10	Certified Engineer or Land Surveyor, dated January 8, 1981. Any proceeds from the sale of				
11	the Bartlett Area Headquarters as well as any proceeds from the sale of any properties				
12	pursuant to item C- 41.10 of the 2017 Appropriations Act may be used for the acquisition,				
13	construction and other expenses related to the relocation of the Hampton Roads District				
14	Office Complex and any proceeds not so used shall be deposited in the Transportation Trust				
15	Fund.				
16	O. Notwithstanding any other provision of law, the Commissioner of Highways is hereby				
17	authorized to convey to Norfolk Southern Railway Company by deed without consideration a				
18	variable width easement for right of way beneath the existing Interstate 264 overpass in the				
19	area of the relocated freight rail facilities, across a parcel approximately 0.5 acres in size, on				
20	terms acceptable to the Virginia Department of Transportation, Norfolk Southern Railway				
21	Company, and the Federal Highway Administration. The conveyance shall be in a form				
22	approved by the Office of the Attorney General. The appropriate officials of the				
23	Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other				
24	documents as may be necessary to accomplish the conveyance.				
25	454. Not set out.				
26	Total for Department of Transportation.....			\$7,954,349,249	\$8,124,444,583
27					\$9,059,307,902
28	Nongeneral Fund Positions.....	7,735.00	7,735.00		
29	Position Level.....	7,735.00	7,735.00		
30	Fund Sources: General.....	\$0	\$55,000,000		
31			\$342,496,000		
32	Commonwealth Transportation.....	\$6,271,766,149	\$6,280,561,839		
33			\$6,743,788,771		
34	Trust and Agency.....	\$612,556,717	\$768,728,841		
35			\$743,267,972		
36	Dedicated Special Revenue.....	\$830,811,884	\$1,014,595,177		
37			\$1,224,196,433		
38	Federal Trust.....	\$239,214,499	\$5,558,726		
39	455. Not set out.				
40	456. Not set out.				
41	457. Not set out.				
42	458. Not set out.				
43	459. Not set out.				
44	460. Not set out.				
45	TOTAL FOR OFFICE OF TRANSPORTATION.....			\$9,681,377,128	\$9,939,950,102
46					\$10,874,813,421
47	Nongeneral Fund Positions.....	10,357.00	10,357.00		
48	Position Level.....	10,357.00	10,357.00		

ITEM 460.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Fund Sources: General.....	\$30,246	\$55,030,246		
2			\$342,526,246		
3	Special.....	\$189,860,549	\$194,815,165		
4	Commonwealth Transportation.....	\$7,434,832,280	\$7,528,745,439		
5			\$7,991,972,371		
6	Trust and Agency.....	\$623,503,317	\$779,675,441		
7			\$754,214,572		
8	Dedicated Special Revenue.....	\$1,147,211,884	\$1,329,195,177		
9			\$1,538,796,433		
10	Federal Trust.....	\$285,938,852	\$52,488,634		

ITEM 461.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	OFFICE OF VETERANS AND DEFENSE AFFAIRS			
2	461.	Not set out.		
3	462.	Not set out.		
4	463.	Not set out.		
5	464.	Not set out.		
6	465.	Not set out.		
7	466.	Not set out.		
8	466.10	Not set out.		
9	467.	Not set out.		
10	468.	Not set out.		
11	469.	Not set out.		
12	470.	Not set out.		
13	471.	Not set out.		
14	472.	Not set out.		
15	473.	Not set out.		
16	473.10	Not set out.		
17	TOTAL FOR OFFICE OF VETERANS AND			
18	DEFENSE AFFAIRS.....		\$193,029,581	\$210,559,081
19	General Fund Positions.....	297.47	299.47	
20	Nongeneral Fund Positions.....	1,198.03	1,418.03	
21	Position Level.....	1,495.50	1,717.50	
22	Fund Sources: General.....	\$36,012,926	\$42,137,426	
23	Special.....	\$48,053,465	\$48,053,465	
24	Trust and Agency.....	\$2,500,000	\$2,500,000	
25	Dedicated Special Revenue.....	\$5,809,050	\$5,809,050	
26	Federal Trust.....	\$100,654,140	\$112,059,140	

ITEM 474.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	CENTRAL APPROPRIATIONS				
2	§ 1-40. CENTRAL APPROPRIATIONS (995)				
3	474.	Higher Education Academic, Fiscal, and Facility			
4		Planning and Coordination (11100).....		\$10,756,833	\$10,756,833
5					\$4,524,802
6		Interest Earned on Educational and General			
7		Programs Revenue (11106).....	\$10,756,833	\$10,756,833	
8					\$4,524,802
9		Fund Sources: General.....	\$7,231,017	\$7,231,017	
10					\$3,971,493
11		Higher Education Operating.....	\$3,525,816	\$3,525,816	
12					\$553,309
13	A. The standards upon which the public institutions of higher education are deemed				
14	certified to receive the payment of interest earnings from the tuition and fees and other				
15	nongeneral fund Educational and General revenues shall be based upon the standards				
16	provided in § 4-9.01 of this act, as approved by the General Assembly.				
17	B. The estimated interest earnings and other revenues shall be distributed to those specific				
18	public institutions of higher education that have been certified by the State Council of				
19	Higher Education for Virginia as having met the standards provided in § 4-9.01 of this act,				
20	based on the distribution methodology developed pursuant to Chapter 933, Enactment 2,				
21	Acts of Assembly of 2005 and reported to the Chairmen of the House Appropriations				
22	Committee and Senate Finance Committee.				
23	C. In accordance with § 2.2-5004 and 5005, Code of Virginia, this Item provides				
24	\$4,573,395 the first year and \$4,573,395 \$2,548,606 the second year from the general				
25	fund, and \$3,525,816 from nongeneral funds in the first year and \$3,525,816 \$553,309				
26	from nongeneral funds in the second year for the estimated total payment to individual				
27	institutions of higher education of the interest earned on tuition and fees and other				
28	nongeneral fund Education and General Revenues deposited to the state treasury. Upon				
29	certification by the State Council of Higher Education of Virginia that all available				
30	performance benchmarks have been successfully achieved by the individual institutions of				
31	higher education, the Director, Department of Planning and Budget, shall transfer the				
32	appropriation in this Item for such estimated interest earnings to the general fund				
33	appropriation of each institution's Educational and General program.				
34	D. This Item also includes \$2,657,622 in the first year and \$2,657,622 \$1,422,887 the				
35	second year from the general fund for the payment to individual institutions of higher				
36	education of a pro rata amount of the rebate paid to the State Commonwealth on credit				
37	card purchases not exceeding \$5,000 during the previous fiscal year. The State				
38	Comptroller shall determine the amount owed to each certified institution, net of any				
39	payments due to the federal government, using a methodology that equates a pro rata share				
40	based upon the total transactions of \$5,000 or less made by the institution using the state-				
41	approved credit card in comparison to all transactions of \$5,000 or less using said				
42	approved credit card. By October 15, or as soon thereafter as deemed appropriate,				
43	following the year of certification, the Comptroller shall reimburse each institution its				
44	estimated pro rata share.				
45	E. Once actual financial data from the year of certification are available, the State				
46	Comptroller and the Director, Department of Planning and Budget, shall compare the				
47	actual data with estimates used to determine the distribution of the interest earnings,				
48	nongeneral fund Educational and General revenues, and the pro rata amounts to the				
49	certified institutions of higher education. In those cases where variances exist, the				
50	Governor shall include in his next introduced budget bill recommended appropriations to				
51	make whatever adjustments to each institution's distributed amount to ensure that each				
52	institution's incentive payments are accurate based on actual financial data.				
53	475.	Not set out.			

ITEM 476.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	476.	Not set out.				
2	477.	Not set out.				
3	478.	Not set out.				
4	479.	Payments for Special or Unanticipated Expenditures				
5		(75800).....			\$6,769,500	\$20,945,052
6						\$23,445,052
7		Miscellaneous Contingency Reserve Account				
8		(75801).....	\$1,300,000	\$1,300,000		
9				\$3,800,000		
10		Economic Development Assistance (75804).....	\$2,400,000	\$2,150,000		
11		Undistributed Support for Designated State Agency				
12		Activities (75806).....	\$3,069,500	\$17,495,052		
13		Fund Sources: General.....	\$6,769,500	\$20,945,052		
14				\$23,445,052		
15		Authority: Discretionary Inclusion.				
16		A. The Governor is hereby authorized to allocate sums from this appropriation, in addition to				
17		an amount not to exceed \$5,000,000 from the unappropriated balance derived by subtracting				
18		the general fund appropriations from the projected general fund revenues in this act, to				
19		provide for supplemental funds pursuant to paragraph D hereof. Transfers from this Item shall				
20		be made only when (1) sufficient funds are not available within the agency's appropriation				
21		and (2) additional funds must be provided prior to the end of the next General Assembly				
22		Session.				
23		B.1. The Governor is authorized to allocate from the unappropriated general fund balance in				
24		this act such amounts as are necessary to provide for unbudgeted cost increases to state				
25		agencies incurred as a result of actions to enhance homeland security, combat terrorism, and				
26		to provide for costs associated with the payment of a salary supplement for state classified				
27		employees ordered to active duty as part of a reserve component of the Armed Forces of the				
28		United States or the Virginia National Guard. Any salary supplement provided to state				
29		classified employees ordered to active duty, shall apply only to employees who would				
30		otherwise earn less in salary and other cash allowances while on active duty as compared to				
31		their base salary as a state classified employee. Guidelines for such payments shall be				
32		developed by the Department of Human Resource Management in conjunction with the				
33		Departments of Accounts and Planning and Budget.				
34		2. The Governor shall submit a report within thirty days to the Chairmen of House				
35		Appropriations and Senate Finance Committees which itemizes any disbursements made from				
36		this Item for such costs.				
37		3. The governing authority of the agencies listed in this subparagraph may, at its discretion				
38		and from existing appropriations, provide such payments to their employees ordered to active				
39		duty as part of a reserve component of the Armed Forces of the United States or the Virginia				
40		National Guard, as are necessary to provide comparable pay supplements to its employees.				
41		a. Agencies in the Legislative and Judicial Departments;				
42		b. The State Corporation Commission, the Virginia Workers' Compensation Commission, the				
43		Virginia Retirement System, the Virginia Lottery, and the Virginia College Savings Plan;				
44		c. The Office of the Attorney General and the Department of Law; and				
45		d. State-supported institutions of higher education.				
46		C. The Governor is authorized to expend from the unappropriated general fund balance in this				
47		act such amounts as are necessary, up to \$1,500,000, to provide for indemnity payments to				
48		growers, producers, and owners for losses sustained as a result of an infectious disease				
49		outbreak or natural disaster in livestock and poultry populations in the Commonwealth. These				
50		indemnity payments will compensate growers, producers, and owners for a portion of the				
51		difference between the appraised value of each animal destroyed or slaughtered or animal				

ITEM 479.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	product destroyed in order to control or eradicate an animal disease outbreak and the total				
2	of any salvage value plus any compensation paid by the federal government.				
3	D. Out of the appropriation for this item is included \$1,000,000 the first year and				
4	\$1,000,000 \$3,500,000 the second year from the general fund to be used by the Governor				
5	as he may determine to be needed for the following purposes:				
6	1. To address the six conditions listed in § 4-1.03 c 5 of this act.				
7	2. To provide for unbudgeted and unavoidable increases in costs to state agencies for				
8	essential commodities, services, and training which cannot be absorbed within agency				
9	appropriations including unbudgeted benefits associated with Workforce Transition Act				
10	requirements.				
11	3. To secure federal funds in the event that additional matching funds are needed for				
12	Virginia to participate in the federal Superfund program.				
13	4. To provide a payment of up to \$100,000 to the Military Order of the Purple Heart, for				
14	the continued operation of the National Purple Heart Hall of Honor, provided that at least				
15	half of other states have made similar grants.				
16	5. In addition, if the amounts appropriated in this Item are insufficient to meet the				
17	unanticipated events enumerated, the Governor may utilize up to \$1,000,000 the first year				
18	and \$1,000,000 the second year from the general fund amounts appropriated for the				
19	Commonwealth's Opportunity Fund for the unanticipated purposes set forth in paragraph				
20	D.1. through paragraph D.5. of this Item.				
21	6. In addition, to provide for payment of monetary rewards to persons who have disclosed				
22	information of wrongdoing or abuse under the Fraud and Abuse Whistle Blower				
23	Protection Act.				
24	7. The Department of Planning and Budget shall submit a quarterly report of any				
25	disbursements made from, commitments made against, and requests made for such sums				
26	authorized for allocation pursuant to this paragraph to the Chairmen of the House				
27	Appropriations and Senate Finance Committees. This report shall identify each of the				
28	conditions specified in this paragraph for which the transfer is made.				
29	E. Included in this appropriation is \$300,000 the first year and \$300,000 the second year				
30	from the general fund to pay for private legal services and the general fund share of				
31	unbudgeted costs for enforcement of the 1998 Tobacco Master Settlement Agreement.				
32	Transfers for private legal services shall be made by the Director, Department of Planning				
33	and Budget upon prior written authorization of the Governor or the Attorney General,				
34	pursuant to § 2.2-510, Code of Virginia or Item 57, Paragraph D of this act. Transfers for				
35	enforcement of the Master Settlement Agreement shall be made by the Director,				
36	Department of Planning and Budget at the request of the Attorney General, pursuant to				
37	Item 57, Paragraph B of this act.				
38	F. Notwithstanding the provisions of § 58.1-608.3B.(v), Code of Virginia, any				
39	municipality which has issued bonds on or after July 1, 2001, but before July 1, 2006, to				
40	pay the cost, or portion thereof, of any public facility pursuant to § 58.1-608.3, Code of				
41	Virginia, shall be entitled to all sales tax revenues generated by transactions taking place				
42	in such public facility.				
43	G. Any unexpended balance remaining in this Item on June 30, 2020, shall be carried				
44	forward on the books of the Comptroller and shall be available for expenditure in the				
45	second year of the current biennium. Any unexpended balance remaining in this Item on				
46	June 30, 2021, shall be carried forward on the books of the Comptroller and shall be				
47	available for expenditures in the next biennium.				
48	H.1. Out of this appropriation, \$1,000,000 the first year and \$9,000,000 the second year				
49	from the general fund shall be provided to the City of Richmond for expenses incurred for				
50	the planning and development of the Slavery and Freedom Heritage Site in Richmond,				
51	including Lumpkin's Pavilion and Slave Trail improvements. Any unexpended general				
52	fund balances remaining from the appropriation in this paragraph shall not revert to the				
53	general fund at the end of the fiscal year, but shall be brought forward and reappropriated				

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1	for its original purpose.				
2	2. The City of Richmond shall provide documentation to the Department of General Services				
3	on the progress of this project and actual expenditures incurred for it in a form acceptable to				
4	the Secretaries of Finance and Administration.				
5	3. The Department of General Services shall act as the fiscal agent for these funds. The				
6	director shall oversee the expenditure of state appropriations to ensure that payments to the				
7	City of Richmond are made consistent with the purposes set out in paragraphs and The				
8	Director, Department of Planning and Budget, is authorized to transfer these funds to the				
9	Department of General Services to implement this appropriation.				
10	4. This appropriation shall be exempt from the disbursement procedures specified in § 4-5.05				
11	of the act.				
12	5. Funding shall be made available to the City of Richmond for the planning and development				
13	of the Slave Trail improvements coincident with the effective date of this act. Any remaining				
14	funds contained in paragraph H.1. above for the purposes enumerated shall be made available				
15	to the City of Richmond upon the receipt of planning and development information by the				
16	Department of General Services. The Director of the Department of Planning and Budget				
17	shall provide the additional funds at the request of the Department of General Services as the				
18	fiscal agent for this project.				
19	I.1. The Director, Department of Planning and Budget, is authorized to transfer any remaining				
20	balances originally appropriated in Item 476 I., Chapter 836, 2017 Virginia Acts of Assembly,				
21	the first year, to the Department of State Police for unanticipated costs associated with				
22	mitigating security threats, information technology (IT) security gaps, and the data stored on				
23	IT systems used by the Department. The costs eligible for reimbursement shall be for				
24	information technology and telecommunications goods and services that have been procured				
25	in accordance with the regulations, policies, procedures, standards, and guidelines of the				
26	Virginia Information Technologies Agency.				
27	2.a. Notwithstanding the provisions of § 2.2-2011, Code of Virginia, the Department of State				
28	Police is authorized to procure, develop, operate, and manage the cyber security and				
29	management tools required to protect the information technology used by the Department that				
30	is defined as out-of-scope from the Virginia Information Technologies Agency pursuant to the				
31	Memorandum of Understanding (MOU) between the two agencies dated August 30, 2013.				
32	The Department of State Police shall be solely responsible for securing all aspects of				
33	information technology defined as out-of-scope in the current MOU.				
34	b. Costs expended by the Department of State Police for cyber security and management tools				
35	shall be reimbursed by the Director, Department of Planning and Budget from unexpended				
36	funds provided in paragraph I.1. of this Item, after such expenses have been approved by the				
37	Chief Information Officer and determined to be in compliance with the regulations, policies,				
38	procedures, standards, and guidelines of the Virginia Information Technologies Agency.				
39	3.a. The Superintendent of State Police shall develop and report to the Chairmen of the House				
40	Committee on Appropriations and Senate Committee on Finance a detailed transition plan				
41	addressing the steps required for the Department of State Police to assume responsibility for				
42	the development, operation, and management of all of its information technology				
43	infrastructure and services. The Department of State Police is authorized to procure consulting				
44	services to assist in the development of the detailed transition plan. The Virginia Information				
45	Technologies Agency shall assist in the development and drafting of the detailed transition				
46	plan.				
47	b. The report shall, at a minimum, include a detailed transition plan that: (i) identifies and				
48	evaluates anticipated transition timelines, tasks, activities, and responsible parties; (ii)				
49	identifies any one-time and ongoing costs of transitioning responsibility for information				
50	technology services from the Virginia Information Technologies Agency to the Department of				
51	State Police, including the estimated costs to obtain existing information technology assets or				
52	transition services from Northrop Grumman; (iii) identifies the ongoing costs of staffing,				
53	services, and contracts related to enterprise security and management tools, legacy system				
54	replacements or upgrades, construction or lease of facilities including data centers, labor costs				
55	and workload analyses, and training costs; (iv) identifies any other such factors deemed				

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1	necessary for discussion as identified by the Superintendent of State Police or Chief				
2	Information Officer of the Commonwealth; (v) identifies necessary changes required to				
3	transition and modernize current statutes related to basic State Police communication				
4	systems consistent with the Criminal Justice Information Services Security Policy Version				
5	5.5, or its successor; and (vi) provides a jointly developed and agreed upon MOU between				
6	the Department of State Police and the Virginia Information Technologies Agency that				
7	certifies the information.				
8	c. Costs expended by the Department of State Police for the development of the detailed				
9	transition plan shall be reimbursed by the Director, Department of Planning and Budget				
10	from unexpended funds provided in paragraph I.1 of this item, after such expenses have				
11	been approved by the Chief Information Officer and determined to be in compliance with				
12	the regulations, policies, procedures, standards, and guidelines of the Virginia Information				
13	Technologies Agency.				
14	d. The report and accompanying Memorandum shall be provided to the Chairmen of the				
15	House Committee on Appropriations and Senate Committee on Finance as required by				
16	Item 476 I., Chapter 836, 2017 Virginia Acts of Assembly. The Chief Information Officer				
17	of the Commonwealth shall review the report and provide an analysis of the detailed				
18	transition plan no later than 30 days after submission of the report to the Chairmen of the				
19	House Committee on Appropriations and Senate Committee on Finance.				
20	4. Any remaining balances as originally appropriated in Item 476 I.5., Chapter 836, 2017				
21	Virginia Acts of Assembly, from the general fund are authorized to be transferred to				
22	reimburse the Department of State Police for costs associated with mitigating information				
23	technology security threats and gaps required to protect and manage out-of-scope				
24	information technology that is not addressed in paragraph 3.b. All such costs shall be				
25	eligible for reimbursement if they have been procured in accordance with the regulations,				
26	policies, procedures, standards, and guidelines of the Virginia Information Technologies				
27	Agency. The Director, Department of Planning and Budget is authorized to release this				
28	funding following certification by the Chief Information Officer that these costs address				
29	cyber security threats and gaps, including upgrades to legacy applications to remediate				
30	audit findings by the Auditor of Public Accounts or Commonwealth Security and Risk				
31	Management.				
32	J. Out of this appropriation, \$1,350,000 the first year and \$1,350,000 the second year from				
33	the general fund is provided to support the advancement of computer science education				
34	and implementation of the Commonwealth's new computer science standards across the				
35	public education continuum. These funds are intended to provide high quality professional				
36	development to current and future teachers; create, curate, and disseminate high quality				
37	computer science curriculum, instructional resources, and assessments; support summer				
38	and after-school computer science related programming for students; and facilitate				
39	meaningful career exposure and work-based learning opportunities in computer science				
40	fields for high school students. Funds shall be disbursed through a competitive grant				
41	process and shall prioritize at-risk students and schools. In consultation with the Secretary				
42	of Finance and the Secretary of Commerce and Trade, the Secretary of Education shall				
43	develop a process to award these funds in accordance with the provisions of this language,				
44	with the Governor providing final approval for distribution of the funds.				
45	K.1. Out of this appropriation is included \$1,050,000 the first year and \$800,000 the				
46	second year from the general fund for the first two phases of the integration and				
47	enhancement of Virginia's workforce technology systems. The project will enable single				
48	sign-on access for users and the addition of new individual, organization, and community-				
49	level data from both current and future agency partners. To the maximum extent allowable				
50	under federal law, regulation, and guidance, functionality will be developed to				
51	automatically associate wage and licensure outcomes to participant records, enabling				
52	performance-driven management and contracting. The project will also support the				
53	development of shared customer-facing applications, analytic tools, and interfaces. All				
54	elements of this project will be conducted in coordination with the Chief Data Officer and				
55	Chief Workforce Development Advisor.				
56	2. On or before November 1, 2020, the Chief Data Officer and Chief Workforce				
57	Development Advisor, with input from the Virginia Economic Development Partnership,				

ITEM 479.		Item Details(\$)		Appropriations(\$)	
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1	shall submit a report detailing the progress of implementation for Phase I of this project				
2	among the four Titles of the Workforce Innovation and Opportunity Act and within the state's				
3	one-stop centers. This report shall also include a plan for sustaining Phase I and Phase II of				
4	the project, including the appropriate agency owner.				
5	L. Out of this appropriation is included up to \$1,069,500 the first year and up to \$1,069,500				
6	the second year from the general fund for the purpose of redistricting, which shall include				
7	expenses related to the Virginia Redistricting Commission if approved by voter referendum in				
8	the November, 2020 general election. The Department of Planning and Budget is authorized				
9	to transfer these amounts to the applicable state agency or agencies to support the purposes of				
10	redistricting, including supporting the Commission if approved.				
11	N. On or before June 30, 2021, the Committee on Joint Rules shall authorize a reversion to				
12	the general fund of \$500,000 from the World War I and World War II Commemoration				
13	Commission (872) from fiscal year 2020 Commission balances.				
14	O. On or before June 30, 2020, the Director of the Department of Planning and Budget shall				
15	authorize the reversion to the general fund of \$38,500,000 in unexpended general fund year				
16	end balances from budget program 722 originally appropriated in Item 476.10 of Chapter				
17	1283 of the 2020 Acts of Assembly.				
18	Q. The appropriations in this item include \$1,000,000 from the general fund in the first year to				
19	conduct an independent, third-party investigation of the culture, traditions, policies, and				
20	practices of the Virginia Military Institute. The investigative team shall report its findings and				
21	recommendations to the State Council of Higher Education for Virginia. Investigative notes,				
22	draft reports, and other correspondence and information furnished in confidence with respect				
23	to this investigation are exempt from disclosure under the Virginia Freedom of Information				
24	Act, section 2.2-3700 et seq. of the Code of Virginia.				
25	R.1. Included in this Item is \$2,157,495 the second year from the general fund to support the				
26	transition offices established as a result of the 2021 elections for Governor, Lieutenant				
27	Governor, and Attorney General. Out of this amount, \$752,217 shall be transferred, based on				
28	actual expenses, to the Department of General Services, \$90,000 to the Division of Select				
29	Agencies Support Services, and \$1,315,278 to the Virginia Information Technologies Agency				
30	for the provision of facilities, equipment, services, and supplies required to support the				
31	transition activity.				
32	2. The Commonwealth's financial support for the transition is to be allocated as follows:				
33	Office of the Governor: \$1,801,502				
34	Office of the Lieutenant Governor: \$188,090				
35	Office of the Attorney General: \$167,903				
36	S. Included in this Item is \$511,057 the second year from the general fund to be transferred,				
37	based on actual expenditures, to the Department of General Services to support anticipated				
38	costs for the inauguration in January 2022				
39	T. Out of this appropriation, \$257,000 the second year from the general fund is provided to				
40	support the removal of the Harry F. Byrd statue from Capitol Square. The Director,				
41	Department of Planning and Budget is authorized to transfer this amount to the Department of				
42	General Services pursuant to the passage of House Bill 2208 of the 2021 General Assembly.				
43	U. Included in the appropriation for this item is \$3,500,000 the second year from the general				
44	fund for the initial operating costs of the Virginia Cannabis Control Authority, created				
45	pursuant to House Bill 2312 and Senate Bill 1406 of the 2021 Special Session I.				
46	Disbursement of these funds shall be upon the determination of the Secretary of Finance and				
47	with the advice and consent of the Director of the Office of Diversity, Equity, and Inclusion.				
48	V. Out of this appropriation, \$1,000,000 the second year from the general fund is provided for				
49	evidence-based marijuana prevention and education programs and public health campaigns,				
50	including programs focused on youth and college-aged populations. The Director, Department				
51	of Planning and Budget, is authorized to transfer these funds to the applicable state agency or				
52	agencies, authorities, or offices, to support these efforts.				
53	479.10 Not set out.				

ITEM 479.10.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	479.20	Disaster Planning and Operations (72200).....			\$0	\$9,092,453,771
2						\$9,198,741,232
3		Pandemic Response (72211).....	\$0	\$9,092,453,771		
4				\$9,198,741,232		
5		Fund Sources: Federal Trust.....	\$0	\$9,092,453,771		
6				\$9,198,741,232		
7	A. Out of the revenues received from the federal distributions of the American Rescue					
8	Plan Act of 2021 (ARPA), the following table represents non-discretionary amounts					
9	appropriated prior to the enactment of this act.					
10	ARPA Funding Source		Agency / Purpose		Amount	
11	State and Local Recovery Fund - Local		Department of Accounts Transfer		\$316,876,775	
12	(Non-Entitlement) - (US Treasury)		Payments (162) / ARPA local			
13			allocations - Non-Entitlement Localities			
14			- Part 1			
15	WIC Cash Value Vouchers Increase		Department of Health (601) / Increase		\$8,910,669	
16	(USDA)		WIC Cash-value voucher benefit for			
17			fruit and vegetables			
18	Unemployment Insurance Extension		Virginia Employment Commission		\$2,058,424,317	
19	Implementation Grants (US DOL)		(182) / Unemployment Insurance			
20			Benefits			
21	Aid to State Veterans Homes - Per Diem		Department of Veterans Services (912) /		\$4,285,124	
22	Program (US VA)		Aid to State Veterans Homes per diem			
23			Program			
24	B.1. The appropriation for this Item includes an amount estimated at \$3,179,200,801					
25	\$3,279,461,610 in the second year from the revenues to be received from distributions of					
26	the federal State and Local Recovery Fund (SLRF) pursuant to the American Rescue Plan					
27	Act of 2021 (ARPA).					
28	2. The following appropriations shall be transferred from this Item for the following					
29	purposes:					
30	a. Unemployment Assistance					
31	1) \$73,600,000 to the Virginia Employment Commission (182) for information					
32	technology modernization, call center improvements, security, and claims adjudication.					
33	Information technology improvements shall include a customer relationship management					
34	system and other such communication tools to better serve Unemployment Insurance					
35	clients.					
36	2) \$862,000,000 to the Virginia Employment Commission (182) for deposit to the					
37	Unemployment Trust Fund.					
38	3) Notwithstanding any other provision of law, the Virginia Employment Commission					
39	shall compute tax rates for Calendar Year 2022 by excluding pandemic related claim					
40	activity. Any such rate for any employer for Calendar Year 2022, may be less than, but					
41	shall not exceed the established rate for that employer for Calendar Year 2021. For					
42	purposes of this calculation, pandemic related claim activity is defined as all regular					
43	Unemployment Insurance claims activity from April 1, 2020, through June 30, 2021. The					
44	pool charge for Calendar Year 2022 shall be computed using this same methodology and					
45	set at an amount not to exceed the rate in effect for Calendar Year 2021.					
46	4) Notwithstanding § 60.2-533, Code of Virginia, the fund building rate shall be set for					
47	Calendar Year 2023 at a rate not to exceed the rate in effect for Calendar Year 2020.					
48	b. Broadband					
49	1) \$500,000 to the Department of General Services (194) for legal and real estate					
50	transaction support for agencies that own property to support broadband expansion.					
51	2) \$479,000,000 to the Department of Housing and Community Development (165) to					

ITEM 479.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	support broadband access managed and awarded through the Virginia Telecommunications				
2	Initiative grant making process; however, the agency may adjust the criteria to reflect the				
3	provisions established by the U.S. Department of the Treasury's rules and regulations				
4	regarding the Coronavirus State and Local Fiscal Recovery Funds established under the				
5	American Rescue Plan Act.				
6	3) \$8,000,000 to the Department of Housing and Community Development (165) for the Line				
7	Extension Customer Assistance Program to support the extension of existing broadband				
8	networks to low to moderate income residents.				
9	4) For grants awarded from the amounts appropriated in paragraphs B.2.b.2), C.1., and Item				
10	114, Paragraph L. of Chapter 552, 2021 Acts of Assembly, Special Session I for the				
11	construction of broadband infrastructure through the Virginia Telecommunications Initiative,				
12	the Department of Housing and Community Development shall deliver an annual				
13	performance report to the Governor, Secretary of Commerce and Trade, and Chairs of the				
14	House Appropriations Committee and Senate Finance and Appropriations Committee on or				
15	before November 1st of each year, starting in Calendar Year 2022. To the extent possible, the				
16	annual performance report shall contain information by grant recipient and year on the				
17	following metrics: (1) Number of passings; (2) Grant dollars expended by fund source (State				
18	and Local Recovery Fund, Capital Project Fund, general fund state grants and match); (3)				
19	Contract performance period, and on-time progress towards project delivery; (4) Maximum				
20	advertised project speeds available; and, (5) Achievement of key project milestones. The				
21	annual performance report shall include an evaluation of any projects under risk of				
22	incompletion or underperformance. The Department of Housing and Community				
23	Development shall develop a public facing dashboard to be updated quarterly that contains				
24	key performance information by grant recipient and year, and includes the key performance				
25	indicators outlined above. Information in this public facing tool shall contain data beginning				
26	with grants awarded in the Fiscal Year 2022 Virginia Telecommunications Initiative grant				
27	cycle.				
28	c. Rebuild VA				
29	1) \$250,000,000 to the Department of Small Business and Supplier Diversity (350) for the				
30	Rebuild VA program. In awarding these funds, priority shall be given to qualifying				
31	applications received by the Department on or before June 30, 2021, for which a grant has not				
32	been awarded. The Department shall solicit new applications to allocate any balance that				
33	remains from this appropriation. In allocating funds to support grants for applications solicited				
34	by the agency after June 30, 2021: (1) the Department shall prioritize funding for businesses				
35	in the hospitality and tourism industry, that includes; but is not limited to hotel and lodging				
36	establishments; restaurants; and entertainment and public amusement venues; and; (2) in				
37	awarding these funds to restaurants; funds shall be reserved for restaurants that have not				
38	received federal assistance through the Small Business Administration's Restaurant				
39	Revitalization Fund or loan forgiveness from the Small Business Administration's Paycheck				
40	Protection Program.				
41	2) \$130,000,000 to the Department of Small Business and Supplier Diversity (350) for the				
42	Rebuild Virginia program. These funds shall be used to provide business assistance to				
43	qualifying applications received by the department on or before June 30, 2021, for which a				
44	grant has not been awarded. The Director of the Department of Planning and Budget shall				
45	distribute funds to the department for this purpose within 10 days of the passage of this act.				
46	3) Any funds remaining at the end of the fiscal year shall be carried forward into the next				
47	fiscal year by the department for the purposes described in these paragraphs 1) and 2) of c.				
48	Rebuild VA. The department shall remit any unused funds provided in this paragraph for				
49	Rebuild Virginia applications received by the department on or before June 30, 2021 to the				
50	State Treasurer for deposit into the State and Local Recovery Fund on or before June 30,				
51	2023.				
52	d. Other small business				
53	1) \$22,500,000 to the Department of Housing and Community Development (165) to support				
54	the Virginia Removal or Rehabilitation of Derelict Structures Fund program. Notwithstanding				
55	§ 36-155, Code of Virginia, for the purposes of this funding, the maximum grant amount shall				
56	be \$5,000,000 for projects in economically distressed areas, and any grant award in excess of				

ITEM 479.20.		Item Details(\$)		Appropriations(\$)	
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1	\$1,000,000 for projects in economically distressed areas shall be conditioned upon a 100				
2	percent match of local and/or private funds by the local government. The funds shall be				
3	managed and awarded through the Industrial Revitalization Fund process; however, the				
4	department may adjust the criteria to reflect the provisions established by the U.S.				
5	Department of the Treasury's rules and regulations regarding the Coronavirus State and				
6	Local Fiscal Recovery Funds established under the American Rescue Plan Act. Pursuant				
7	to these provisions, DHCD shall increase project cap amounts and consider updates to				
8	program guidelines that make more projects viable, especially in communities				
9	disproportionately impacted by the pandemic. Where the proposed project's end user is a				
10	private business, DHCD shall include evaluation criteria that incentivizes significant				
11	private investment.				
12	2) \$4,000,000 to the Department of Housing and Community Development to support the				
13	Virginia Main Street Program in providing assistance to businesses recovering from the				
14	COVID-19 pandemic.				
15	e. Utility Assistance				
16	1) a) \$120,000,000 for utility assistance, to help provide direct assistance to residential				
17	utility customers with accounts over 60 days in arrears including the cost to administer the				
18	program.				
19	b) The State Corporation Commission shall establish an application process to distribute				
20	funds directly to utilities for the purpose of efficiently providing direct assistance to				
21	customers. Funds shall be awarded proportionally based on total arrearages of residential				
22	utility customer accounts over 60 days in arrears as of August 31, 2021. The Director,				
23	Department of Planning and Budget shall distribute funds to the State Corporation				
24	Commission within 30 days of the passage of this act. The Director, Department of				
25	Planning and Budget in consultation with the State Corporation Commission and the				
26	Department of Housing and Community Development shall transfer amounts from this				
27	allocation to address the arrearages held by residential customers of utilities outside the				
28	jurisdiction of the Commission to the Department of Housing and Community				
29	Development for distribution to these utilities. Notwithstanding § 2.2-4002, Code of				
30	Virginia, the provisions contained in this paragraph establishing the utility direct				
31	assistance program shall not be subject to the Administrative Process Act.				
32	c) Upon receipt of any funds provided in this paragraph, utilities shall maintain separate				
33	ARPA COVID-19 Utility Assistance Funds and record direct assistance payments to				
34	residential customers on their books in accordance with applicable accounting standards.				
35	Utilities may not direct any funds provided in this paragraph to new deposits, down				
36	payments, fees, late fees, interest charges, or penalties. Utilities may require the customer				
37	to attest to the utility or to a third party chosen by the utility that the customer has				
38	experienced a financial hardship resulting directly or indirectly from the COVID-19				
39	pandemic or that they have experienced a hardship to pay during the COVID-19 pandemic				
40	prior to receiving direct assistance from the utility's ARPA COVID-19 Utility Assistance				
41	Fund. While utilities may require attestation of such hardship, it is implied that arrearages				
42	accrued over 60 days for customer nonpayment of bills from March 12, 2020, to the				
43	effective date of this act, for which federal relief funds shall be used for direct subsidy				
44	payments on behalf of customers were incurred as a financial hardship created by the				
45	COVID-19 pandemic. Utilities shall reflect the direct assistance payment on an eligible				
46	customer's monthly bill, after the funds are applied to the customer's account. Should the				
47	application of any assistance render a customer due a balance necessitating a cash refund				
48	payable to the customer, such assistance shall be proportionally reduced as to achieve a				
49	zero balance.				
50	d) For the purposes of this appropriation, utilities include electric companies subject to				
51	regulation of the State Corporation Commission, natural gas suppliers subject to the				
52	regulation of the Commission, electric and gas municipal utilities, and water suppliers and				
53	wastewater service providers, subject to the regulation of Commission or constituting a				
54	municipal utility. "Municipal utility" means a utility providing electric, gas, water, or				
55	wastewater service that is owned or operated by a city, county, town, authority, or other				
56	political subdivision of the Commonwealth. Notwithstanding the provisions of this				
57	paragraph, a utility does not include any Phase II utility subject to the regulation of the				

ITEM 479.20.		Item Details(\$)		Appropriations(\$)	
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1	State Corporation Commission.				
2	e) The Department of Housing and Community Development shall survey municipal utilities				
3	to determine the amount of unspent utility assistance funds previously provided under the				
4	Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), as well as the level of				
5	outstanding customer arrearages as of August 31, 2021, from March 12, 2020. The				
6	information collected shall include the number and value of accounts that are at least 60 days				
7	in arrears disaggregated by residential, business, and industrial users. Utilities not subject to				
8	the regulation of the State Corporation Commission shall submit the required information to				
9	the Department in a timely manner. The Department shall submit a report on its findings to				
10	the Governor and the Chairs of the House Appropriations Committee and Senate Finance and				
11	Appropriations Committee by November 1, 2021.				
12	f) The State Corporation Commission shall survey jurisdictional utilities to determine the				
13	amount of unspent utility assistance funds previously provided under the Coronavirus Aid,				
14	Relief, and Economic Security (CARES) Act (P.L. 116-136), as well as the level of				
15	outstanding customer arrearages as of August 31, 2021, from March 12, 2020. The				
16	information collected shall include the number and value of accounts that are at least 60 days				
17	in arrears disaggregated by residential, business, and industrial users. Utilities subject to the				
18	regulation of the State Corporation Commission shall submit the required information to the				
19	Commission in a timely manner. The Commission shall submit a report on its findings to the				
20	Governor and the Chairs of the House Appropriations Committee and Senate Finance and				
21	Appropriations Committee by November 1, 2021.				
22	g) If it is determined that the funds provided in this paragraph are insufficient to satisfy the				
23	aggregate outstanding jurisdictional and municipal utility customer arrearages following the				
24	passage of this act, additional funding may be considered during the 2022 General Assembly				
25	Session.				
26	f. Tourism				
27	1) \$50,000,000 to the Virginia Tourism Authority (320) to support local domestic marketing				
28	organizations, as well as the Authority's marketing and incentive programs.				
29	2) \$1,000,000 to the Virginia Tourism Authority (320) to collaborate and partner with the				
30	City of Virginia Beach to develop historical and cultural content with the Virginia African				
31	American Cultural Center (VAACC).				
32	3) \$6,000,000 to the Fort Monroe Authority (360) for construction of a permanent monument				
33	to commemorate the 400-year anniversary of the First Landing of Africans at Point Comfort				
34	in Fort Monroe.				
35	4) \$250,000 to the Department of Historic Resources (423) to be provided to the City of				
36	Harrisonburg to partner with the Dallard-Newman House to complete development of a				
37	Museum of African- American History and Culture in Harrisonburg.				
38	g. Education				
39	1) \$500,000 to Direct Aid to Public Education (197) to support An Achievable Dream				
40	program in Henrico County.				
41	2) \$500,000 to Direct Aid to Public Education (197) to support Fredericksburg City Schools				
42	to expand its career and technical education programs.				
43	3) \$200,000 to Direct Aid to Public Education (197) to provide after school and summer				
44	education programs to Sussex and Greensville Counties' students through the Sussex County				
45	Youth and Adult Recreation Association (\$100,000) and the Washington Park Association				
46	(\$100,000).				
47	4) \$800,000 to Direct Aid to Public Education (197) to provide a one-time grant to				
48	Portsmouth Public Schools to support students with workforce readiness education and				
49	industry based skills, including internships and externships, apprenticeships, and assistance in				
50	enrollment in post-secondary education.				
51	h. Education - Ventilation				

ITEM 479.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	1) \$250,000,000 \$218,720,809 to Direct Aid to Public Education (197) for qualifying				
2	ventilation improvement projects in local public schools. Funds shall be allocated to local				
3	school divisions based on fiscal year 2022 projected March 31 average daily membership				
4	with a minimum allocation of \$200,000 per division. Funds shall be paid to school				
5	divisions on a reimbursement basis. Localities shall provide a match for these funds from				
6	any available fund sources equal to 100 percent of the grant amount. A school division				
7	may elect to accept a grant amount less than its formula allocation. Before receiving any				
8	funds, local school divisions must provide a description for each of the projects to be				
9	completed with these funds, including estimated costs and date of completion, and certify				
10	to the Department of Education no later than November 15, 2021, that these funds will be				
11	used to improve ventilation systems in public facilities in accordance with guidelines				
12	issued by the U.S. Department of the Treasury for the American Rescue Plan Act				
13	Coronavirus State and Local Fiscal Recovery Funds. Following certification from a school				
14	division that it will not participate in the grant program or elects to accept an amount less				
15	than its formula allocation, the Department of Education is authorized to reallocate any				
16	program balances based on actual demand. No later than December 15, 2021, the				
17	Department of Education shall compile the school division certifications and submit a				
18	report to the Chairs of the Senate Finance and Appropriations and House Appropriations				
19	Committees, the Secretary of Education, the Secretary of Finance, and the Director,				
20	Department of Planning and Budget.				
21	2) \$2,000,000 to the Jamestown-Yorktown Foundation (425) to upgrade its ventilation				
22	systems in its facilities.				
23	3) \$5,000,000 to the Virginia Museum of Fine Arts (238) to replace outdated air handling				
24	units on the main museum campus.				
25	i. Higher Education				
26	1) \$100,000,000 to the State Council of Higher Education for Virginia (245) for need-				
27	-based financial aid for in-state undergraduate students from low- and moderate-income				
28	households at public institutions of higher education. No less than 30 days prior to				
29	distributing the funds to the public institutions, the Council shall report on the allocation				
30	methodology used to the Chairs of the House Appropriations and Senate Finance and				
31	Appropriations Committees, the Secretary of Finance, the Secretary of Education, and the				
32	Director, Department of Planning and Budget.				
33	2) \$11,000,000 to the State Council of Higher Education for Virginia (245) for need-based				
34	financial aid for in-state undergraduate students from low- and moderate-income				
35	households at institutions of higher education eligible for the Virginia Tuition Assistance				
36	Grant Program in accordance with § 23.1-628 through § 23.1-635, Code of Virginia. No				
37	institution shall receive more than ten percent of the total funding provided herein. No less				
38	than 30 days prior to distributing the funds to the private institutions, the Council shall				
39	report on the allocation methodology used to the Chairs of the House Appropriations and				
40	Senate Finance and Appropriations Committees, the Secretary of Finance, the Secretary of				
41	Education, and the Director, Department of Planning and Budget.				
42	3) \$40,000,000 to the Virginia Community College System (260) for capital projects at				
43	Northern Virginia Community College (NVCC). Of this allocation, \$15,000,000 is				
44	designated for construction of a new building that would allow NVCC to expand its trades				
45	programs in carpentry, electrical, computer integration in trades, advanced automotive,				
46	and backup power systems. \$25,000,000 is designated for construction of a building that				
47	would allow NVCC to expand its nursing, phlebotomy, occupational therapy assistant, and				
48	physical therapist assistant programs.				
49	4) \$10,000,000 to the Online Virginia Network Authority (244).				
50	j. Food Access				
51	1) \$14,600,000 to the Department of Agriculture and Consumer Services (301) for food				
52	assistance, including the expansion of food access and healthcare partnerships,				
53	development of a shelf-stable food purchase program, and the purchase of food from local				
54	farmers through the Virginia Farm to Virginia Families Food Box Program.				

ITEM 479.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	k. CSOs and Wastewater				
2	1) \$5,750,000 to the Department of Health (601) to provide improvement funds for well and				
3	septic systems for homeowners at or below 200 percent of the federal poverty guidelines.				
4	2) \$75,000,000 to the Department of Environmental Quality (440) for septic, straight pipe,				
5	and sewer collection system repair, replacement, and upgrades.				
6	3) \$125,000,000 to the Department of Environmental Quality (440) for grants to the <i>City of</i>				
7	<i>Alexandria, Virginia Sanitation Authority</i> and the cities of Alexandria , Lynchburg; and				
8	Richmond to pay a portion of the costs of combined sewer overflow control projects. The City				
9	of Alexandria, <i>Virginia Sanitation Authority</i> is to receive \$50,000,000; the City of Lynchburg				
10	is to receive \$25,000,000; and the City of Richmond is to receive \$50,000,000. In order to				
11	receive these funds, the locality must certify that it is providing a 100 percent match to the				
12	funds it will receive pursuant to this paragraph.				
13	4) \$100,000,000 to the Department of Environmental Quality (440) to reimburse eligible				
14	entities as provided for in the Enhanced Nutrient Removal Certainty (ENRC) Program				
15	established in § 62.1-44.19:14 , Code of Virginia, for capital costs incurred for the design and				
16	installation of nutrient removal technology, and to reimburse <i>the Wise County Public Service</i>				
17	<i>Authority for capital costs incurred for infrastructure improvements</i> in the Town of Pound				
18	and the City of Petersburg for capital costs incurred for infrastructure improvements that are				
19	eligible for reimbursement under the Virginia Water Facilities Revolving Fund established in				
20	§ 62.1-225 , Code of Virginia. Such reimbursements shall be in accordance with eligibility				
21	determinations made by the Department of Environmental Quality.				
22	l. Drinking Water				
23	1) \$50,000,000 to the Department of Health (601) to support equal access to drinking water at				
24	small and disadvantaged community waterworks. These funds shall be limited in their use to				
25	qualifying municipal and private drinking water projects and shall not be used for				
26	improvements to the department's internal systems; staffing , or processes.				
27	m. Parks				
28	1) \$25,000,000 to the Department of Conservation and Recreation (199) for outdoor				
29	recreation area maintenance and construction needs.				
30	2) \$1,000,000 to the Department of Conservation and Recreation (199) to be provided to				
31	Fairfax County for trail system connections at Lake Royal Park.				
32	n. Mental Health				
33	1) \$45,000,000 to the Department of Behavioral Health and Developmental Services (720) for				
34	bonuses provided to direct care staff at state behavioral health facilities and intellectual				
35	disability training centers.				
36	2) \$10,000,000 to the Department of Behavioral Health and Developmental Services (720) for				
37	the continued expansion of community-based crisis services, which may include mobile crisis				
38	services and crisis receiving facilities.				
39	3) \$1,200,000 to the Department of Behavioral Health and Developmental Services (720) for				
40	the purchase of personal protective equipment at state facilities.				
41	4) \$50,000,000 to the Department of Behavioral Health and Developmental Services (720) for				
42	the renovation or replacement of ventilation and water or sewer systems at state facilities.				
43	5) \$5,000,000 to the Department of Behavioral Health and Developmental Services (720) for				
44	permanent supportive housing in Northern Virginia to assist with the bed crisis at state				
45	facilities.				
46	6) \$1,650,000 to the Department of Behavioral Health and Developmental Services (720) to				
47	expand a pilot program to serve approximately 60 additional individuals with a primary				
48	diagnosis of dementia who are ready for discharge from state geriatric behavioral health				
49	hospitals to the community and who are in need of nursing facility level care. Funding for the				
50	pilot program shall be dependent upon an agreement between the department and the				

ITEM 479.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Community Services Board in the jurisdiction the pilot program is located. The				
2	Department shall report to the Governor, the Chairs of the House Appropriations and				
3	Senate Finance and Appropriations Committees, and the Director of the Department of				
4	Planning and Budget on the design and implementation of the pilot program by December				
5	1, 2021, with a report on the program's outcomes, including data on hospital readmissions				
6	and program sustainability by June 30, 2022.				
7	7) \$1,000,000 to the Department of Criminal Justice Services (140) to provide resources				
8	for crisis intervention team training to law-enforcement officers and dispatchers, and one				
9	position to provide technical assistance in support of the mental health awareness response				
10	and community understanding services (Marcus) alert system.				
11	o. Substance Use Disorder				
12	1) \$5,000,000 to the Department of Health (601) for substance misuse and suicide				
13	prevention efforts.				
14	2) \$10,000,000 to the Department of Behavioral Health and Developmental Services (720)				
15	to make grants to members of the Virginia Association of Recovery Residences for				
16	recovery support services.				
17	3) \$5,000,000 to the Department of Behavioral Health and Developmental Services (720)				
18	to expand community-based substance use disorder treatment services.				
19	p. Public Health Initiatives				
20	1) \$2,500,000 to the Virginia State Bar (117) for legal aid funding for legal representation				
21	in eviction cases.				
22	2) \$2,285,000 to the Department of General Services (194) for Consolidated Labs to				
23	include courier / dropbox enhancements, customer support upgrades, and Laboratory				
24	Information Management System (LIMS) infrastructure, development, and improvement.				
25	3) \$3,750,000 to the Department of Housing and Community Development (165) for a				
26	dedicated lead rehabilitation program to address childhood lead poisoning in residential				
27	properties.				
28	4) \$8,000,000 to the Department of Health (601) to address broadband connectivity and				
29	network infrastructure issues at local health departments. The department shall				
30	communicate a detailed plan and implementation schedule to the Governor, the Chairs of				
31	the House Appropriations and Senate Finance and Appropriations Committees, and the				
32	Director of the Department of Planning and Budget by September 30, 2021. Additionally,				
33	the department shall report quarterly to the Governor, the Chairs of the House				
34	Appropriations and Senate Finance and Appropriations Committees, and the Director of				
35	the Department of Planning and Budget on progress made, with the first progress report to				
36	be delivered not later than December 31, 2021.				
37	5) \$10,000,000 to the Department of Health (601) for the procurement and deployment of				
38	an electronic health records system. The department shall communicate a detailed plan				
39	and implementation schedule to the Governor, the Chairs of the House Appropriations and				
40	Senate Finance and Appropriations Committees, and the Director of the Department of				
41	Planning and Budget by September 30, 2021. Additionally, the department shall report				
42	quarterly to the Governor, the Chairs of the House Appropriations and Senate Finance and				
43	Appropriations Committees, and the Director of the Department of Planning and Budget				
44	on progress made, with the first progress report to be delivered not later than December				
45	31, 2021.				
46	6) \$30,000,000 to the Department of Health (601) to target core building upgrades at local				
47	health departments to mitigate the impact of infrastructure that hinders the agency's ability				
48	to reach and serve at-risk communities. The department shall communicate a detailed plan				
49	and implementation schedule to the Governor, the Chairs of the House Appropriations and				
50	Senate Finance and Appropriations Committees, and the Director of the Department of				
51	Planning and Budget by September 30, 2021. Additionally, the department shall report				
52	quarterly to the Governor, the Chairs of the House Appropriations and Senate Finance and				
53	Appropriations Committees, and the Director of the Department of Planning and Budget				

ITEM 479.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	on progress made, with the first progress report to be delivered not later than December 31,				
2	2021.				
3	7) \$10,000,000 to the Department of Health (601) for the modernization of administrative				
4	systems and software in order to create response capacity during future emergencies. The				
5	department shall communicate a detailed plan and implementation schedule to the Governor,				
6	the Chairs of the House Appropriations and Senate Finance and Appropriations Committees,				
7	and the Director of the Department of Planning and Budget by September 30, 2021.				
8	Additionally, the department shall report quarterly to the Governor, the Chairs of the House				
9	Appropriations and Senate Finance and Appropriations Committees, and the Director of the				
10	Department of Planning and Budget on progress made, with the first progress report to be				
11	delivered not later than December 31, 2021.				
12	8) \$1,000,000 to the Department of Health (601) for the creation of a Public Oral Health				
13	Taskforce aimed at strengthening public oral health and improving patient outcomes and				
14	experiences.				
15	9) \$10,000,000 to the Department of Health (601) for a records management system that will				
16	digitize and automate records processes. The department shall communicate a detailed plan				
17	and implementation schedule to the Governor, the Chairs of the House Appropriations and				
18	Senate Finance and Appropriations Committees, and the Director of the Department of				
19	Planning and Budget by September 30, 2021. Additionally, the department shall report				
20	quarterly to the Governor, the Chairs of the House Appropriations and Senate Finance and				
21	Appropriations Committees, and the Director of the Department of Planning and Budget on				
22	progress made, with the first progress report to be delivered not later than December 31, 2021.				
23	10) \$20,000,000 to the Department of Health (601) to provide targeted community outreach in				
24	difficult to reach communities harmed by COVID-19.				
25	11) \$10,000,000 to the Department of Medical Assistance Services (602) to address				
26	operational backlogs by hiring contractors to assist with eligibility re-evaluations and member				
27	appeals. Funding also will may be used to perform COVID-19 related outreach and				
28	engagement activities, <i>make information technology system changes, and support overtime</i>				
29	<i>costs at local departments of social services.</i>				
30	12) \$31,148,676 to the Department of Medical Assistance Services (602) to make payments to				
31	Medicaid-eligible nursing homes and specialized care providers equivalent to a \$5 per diem				
32	rate for service dates between July 1, 2021, and June 30, 2022. The department shall have the				
33	authority to work with necessary vendors and contractors to determine payment eligibility,				
34	amounts, and the process by which payments will be made. Final payments will be made by				
35	September 30, 2022. The department shall have the authority to implement such payments				
36	prior to the completion of any regulatory process to effect such changes. The Governor is				
37	authorized to adjust this SLRF appropriation to ensure that sufficient funding is available to				
38	make necessary payments.				
39	13) \$528,300 to the Department for Aging and Rehabilitative Services (262) to fund				
40	HVAC/air quality systems and physical plant improvements in assisted living facilities that				
41	serve a disproportionate share of auxiliary grant residents.				
42	14) \$1,000,000 to the Department of Social Services (765) <i>to support for the Virginia</i>				
43	Trauma-Informed Community Network (TICN) <i>Virginia trauma-informed community</i>				
44	<i>networks (TICNs)</i> to provide a community awareness campaign, education, professional				
45	development, mini grants, and other initiatives to support existing networks.				
46	15) \$600,000 to the Department for the Blind and Vision Impaired (702) to construct an				
47	outdoor multi-purpose pavilion to allow activities to be conducted outdoors in a safer				
48	environment relative to COVID-19 transmission.				
49	16) \$11,500,000 to the Department for the Blind and Vision Impaired (702) to renovate the				
50	Virginia Industries for the Blind facility in Charlottesville to ensure that an essential link in				
51	the pandemic supply chain is available.				
52	17) \$450,000 to the Department for the Blind and Vision Impaired (702) to upgrade the				
53	ventilation systems in six agency offices.				

ITEM 479.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	18) \$1,393,085 to the Department of Emergency Management (127) for Virginia				
2	Emergency Support Team (VEST) COVID-19 recovery activities and four support staff.				
3	19) \$10,270,354 to the Department of Veterans Services (912) to address revenue				
4	shortfalls resulting from reduced census at Sitter & Barfoot Veterans Care Center and				
5	Virginia Veterans Care Center caused by COVID-19, and to provide support for				
6	temporary additional staff at state veterans cemeteries.				
7	20) a) \$50,000,000 to the Department of Military Affairs (123) for projects at Readiness				
8	Centers (armories) to replace HVAC systems and to convert or expand existing multi-				
9	purpose spaces or to add space that may be used as emergency medical suites and to				
10	provide the necessary support equipment. Priority for use of these funds shall be given to				
11	completing HVAC projects.				
12	b) No less than 60 days prior to initiating a project, the department shall submit				
13	preliminary plans and specifications along with cost estimates for review and approval by				
14	the Six-Year Capital Outlay Plan Advisory Committee.				
15	21) \$529,000 to the Department of Military Affairs (123) for Infrared Body Temperature				
16	Scanning equipment and personal protective equipment.				
17	22) <i>\$1,000,000 to the Department of Social Services (765) to upgrade mission critical</i>				
18	<i>network infrastructure.</i>				
19	q. Language Translation Capacity				
20	1) \$500,000 to the Office of the Governor (121), Office of Equity, Diversity, and				
21	Inclusion, for language access translation planning consulting services. Consulting				
22	services will include the development of a plan to determine which state agencies have the				
23	highest need for translation services, determination of the types of services needed, and				
24	the determination of the costs to implement such services in support of determining				
25	amounts to consider for inclusion in the budget for the 2022-2024 biennium. The Chief				
26	Diversity Officer shall provide a report on the results of the translation planning efforts to				
27	the Governor and Chairs of the House Appropriations and Senate Finance and				
28	Appropriations Committees by November 1, 2021.				
29	r. Addressing Community Violence				
30	1) \$2,500,000 to the Office of the Attorney General (141) for gun violence reduction				
31	projects in partnership with select localities.				
32	2) \$12,199,930 to the Department of Criminal Justice Services (140) to support services to				
33	victims of crime including, but not limited, services for victims of sexual assault and				
34	domestic violence, victims of elder abuse and child abuse, and victims of crime. The				
35	Department shall use these funds to support sexual assault and domestic violence				
36	applicants of the Victims Services Grant Program for Fiscal Year 2022 such that the				
37	amounts reduced from the competitive grant applications for this grant period, due to lack				
38	of funding, are fully restored.				
39	3) \$1,000,000 to the Department of Criminal Justice Services (140) to support the Virginia				
40	Sexual and Domestic Violence Victim Fund.				
41	4) \$800,000 to the Department of Criminal Justice Services (140) to provide a one-time				
42	grant to the City of Hampton to support an employment program for court-involved				
43	youths and adults facing barriers to employment, expand services for those participating in				
44	or at risk of participating in gun violence, and provide counseling or mental health				
45	services for those exposed to violence.				
46	5) \$505,375 \$300,000 to the Department of Forensic Science (778) and \$205,375 to the				
47	<i>Department of State Police (156)</i> for the purchase of equipment to analyze firearms				
48	evidence.				
49	6) \$2,500,000 to the Department of Criminal Justice Services (140) to provide competitive				
50	one-time grants to groups providing community-based gun violence reduction or youth				
51	and gang violence intervention programming through initiatives including, but not limited				

ITEM 479.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	to, those substantially similar to programs such as the Gang Reduction and Youth				
2	Development of Los Angeles and Operation Ceasefire of Boston models. In awarding such				
3	grants, the Department shall prioritize initiatives in localities experiencing higher than				
4	average levels of gun violence and those assessed pursuant to Item 406, Paragraph R of				
5	Chapter 1289 of the 2020 Session of the General Assembly.				
6	s. Public Safety				
7	1) \$375,000 to the Division of Capitol Police (961) to address staffing and security concerns				
8	at the seat of government. The funding shall be allocated subject to the approval of a spending				
9	plan by the Committee on Joint Rules that is consistent with federal requirements of the				
10	American Rescue Plan Act.				
11	2) \$33,179,883 to the Compensation Board (157) for a one-time hazard pay bonus of \$3,000				
12	for state-supported sworn officers of Sheriff's Departments and Regional Jails. Furthermore,				
13	the Governor shall convene a work group to address the compensation structure for				
14	correctional officers at the Department of Corrections, deputy sheriffs within Sheriff's				
15	Departments, and regional jail officers. The workgroup shall include staff from the				
16	Department of Human Resource Management, the State Compensation Board, the				
17	Department of Corrections and the Joint Legislative Audit and Review Commission will				
18	deliver recommendations to the Governor and General Assembly by October 15, 2021.				
19	<i>a. Notwithstanding Chapter 1, 2021 Special Session II, Acts of Assembly, and Item 479.20,</i>				
20	<i>subdivision B.2.s.2) of this act, any locality that provides a bonus or salary increase equal to</i>				
21	<i>or greater than \$3,000 shall satisfy the requirements of this paragraph.</i>				
22	3) \$31,494,724 to the Department of Corrections (799) for COVID-19 testing in correctional				
23	facilities, including point prevalence testing at correctional facilities, antigen testing for non-				
24	vaccinated staff and visitors, equipment and supplies for COVID tests, and for wastewater				
25	surveillance testing. Also included in this amount is funding to support COVID-19				
26	vaccination teams, to purchase equipment for the emergency disinfection team, to purchase				
27	personal protective equipment (PPE) for correctional facilities, and to support the expansion				
28	of telehealthcare.				
29	4) \$23,550,248 to the Department of Corrections (799) to support a one-time hazard pay				
30	bonus of \$3,000 for corrections and law enforcement staff.				
31	5) \$1,618,086 to the Department of Corrections (799) to support rate increases for medical				
32	contractors and five staff positions to support COVID-19 project management activities.				
33	6) \$45,000 to the Department of Corrections (799) to reimburse the contractor that operates				
34	the Lawrenceville Correctional Center for the cost of personal protective equipment (PPE).				
35	7) \$410,000 to the Department of Juvenile Justice (777) to provide quarantine spaces, tents to				
36	enable outdoor visitation, testing supplies, personal protective equipment, and ventilation				
37	modifications for facilities. Also included in this amount is funding for mobile smartphones,				
38	for medical tracking software, and for vaccination clinics for residents and staff.				
39	8) \$638,140 to the Department of Juvenile Justice (777) to provide hazard pay for probation				
40	and security staff and a sign-on bonus for cafeteria and janitorial workers.				
41	9) \$1,380,000 to the Department of State Police (156) to <i>establish server interfaces, install a</i>				
42	<i>computer network, and perform system testing for a live scan fingerprinting machine</i>				
43	<i>replacement project. purchase live scan fingerprinting machines for the agency's area offices.</i>				
44	10) a) \$20,000,000 to the Department of State Police (156) to provide one-time bonuses to				
45	sworn, law enforcement personnel. The department is authorized to pay bonuses to its sworn,				
46	law enforcement officers of: \$5,000 to all sworn, law enforcement officers, compression				
47	bonuses within a range equivalent to two and eight percent of salary as appropriate to				
48	qualifying officers, sign-on/recruitment bonuses to newly hired troopers of \$5,000, and				
49	retention bonuses as needed. In addition, these funds may be used to reimburse up to \$2,000				
50	of relocation expenses for each newly hired trooper and any law enforcement personnel who				
51	is being relocated by the department.				
52	b) The department shall report its plan for allocating these funds to the permitted uses stated				

ITEM 479.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	above in the compensation plan required in paragraph 5.k.5)b) of this item. In addition, no				
2	later than September 1, 2022, the department shall report the actual bonuses and expenses				
3	paid in fiscal year 2022.				
4	t. Elections				
5	1) \$1,500,000 to the Department of Elections (132) for voter education efforts to inform				
6	voters about new elections laws and to combat misinformation about Virginia elections.				
7	2) \$3,000,000 to the Department of Elections (132) to support local efforts to expand early				
8	voting to include the adoption of Sunday voting.				
9	u. ARPA Reporting				
10	1) \$540,000 to the Department of Accounts (151) for assistance in meeting American				
11	Rescue Plan Act (ARPA) reporting requirements.				
12	3.a. Prior to initiating any program, service, or spending from the appropriations listed in				
13	paragraph 2. above, the responsible agency must ensure that its intended action qualifies				
14	for the use of the funds under the ARPA criteria to support health expenditures, to address				
15	negative economic impacts caused by the public health emergency, to provide premium				
16	pay for essential workers, or to invest in water, sewer, and broadband infrastructure as				
17	described in the Interim Final Rule or the guidance issued by the U.S. Department of				
18	Treasury. Agencies shall not rely on the provisions for replacing lost public sector revenue				
19	as a qualifying criteria without receiving prior written approval from the Governor.				
20	b. Agencies must ensure compliance with all use, documentation, and reporting				
21	requirements established in state and federal guidelines and laws.				
22	4. The Governor is authorized to appropriate additional amounts not listed above if they				
23	must be executed before the 2022 regular session of the General Assembly in order to				
24	respond to a public health emergency or to prevent the emergence of a new health				
25	emergency. The Governor shall provide written notice to the chairpersons of the House				
26	Appropriations Committee and the Senate Finance and Appropriations Committee no less				
27	than five business days prior to appropriating such amounts.				
28	5. In addition to the amounts appropriated in the second year in the preceding				
29	subparagraphs of B.2. above, \$353,871,958 is authorized to be included in the Governor's				
30	introduced budget for the 2022-2024 biennium from SLRF amounts received from the				
31	federal government. The following agencies shall provide a plan for the proposed use of				
32	the SLRF amounts listed to the Governor and the Chairs of the House Appropriation and				
33	Senate Finance and Appropriations Committees via budget requests submitted to the				
34	Department of Planning and Budget on or before October 1, 2021.				
35	a. Unemployment Assistance				
36	1) \$17,600,000 to the Virginia Employment Commission (182) for information				
37	technology modernization, call center improvements, security, and claims adjudication.				
38	Information technology improvements shall include a customer relationship management				
39	system and other such communication tools to better serve Unemployment Insurance				
40	clients.				
41	b. Broadband				
42	1) \$1,500,000 to the Department of General Services (194) for legal and real estate				
43	transaction support for agencies that own property to support broadband expansion.				
44	2) \$8,000,000 to the Department of Housing and Community Development (165) for a				
45	Line Extension Customer Assistance Program to support the extension of existing				
46	broadband networks to low-to-moderate income residents.				
47	c. Other small business				
48	1) \$22,500,000 to the Department of Housing and Community Development (165) to				
49	support the Virginia Removal or Rehabilitation of Derelict Structures Fund program.				
50	Notwithstanding § 36-155, Code of Virginia, for the purposes of this funding, the				

ITEM 479.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	maximum grant amount shall be \$5,000,000 for projects in economically distressed areas, and				
2	any grant award in excess of \$1,000,000 for projects in economically distressed areas shall be				
3	conditioned upon a 100 percent match of local and/or private funds by the local government.				
4	The funds shall be managed and awarded through the Industrial Revitalization Fund process;				
5	however, the department may adjust the criteria to reflect the provisions established by the				
6	U.S. Department of the Treasury's rules and regulations regarding the Coronavirus State and				
7	Local Fiscal Recovery Funds established under the American Rescue Plan Act. Pursuant to				
8	these provisions, DHCD shall increase project cap amounts and consider updates to program				
9	guidelines that make more projects viable, especially in communities disproportionately				
10	impacted by the pandemic. Where the proposed project's end user is a private business,				
11	DHCD shall include evaluation criteria that incentivizes significant private investment.				
12	2) \$4,000,000 to the Department of Housing and Community Development (165) to support				
13	the Virginia Main Street program in providing assistance to businesses recovering from the				
14	COVID-19 pandemic.				
15	d. Food Access				
16	1) \$11,000,000 to the Department of Agriculture and Consumer Services (301) for food				
17	assistance, including continuation of the Virginia Agriculture Food Assistance Program				
18	established in § 3.2-4783, Code of Virginia, and to expand the capacity of Virginia's network				
19	of food providers to accept, store, and distribute food products.				
20	e. CSOs and Wastewater				
21	1) \$5,750,000 to the Department of Health (601) to provide improvement funds for well and				
22	septic systems for homeowners at or below 200 percent of the federal poverty guidelines.				
23	f. Drinking Water				
24	1) \$50,000,000 to the Department of Health (601) to support equal access to drinking water at				
25	small and disadvantaged community waterworks. These funds shall be limited in their use to				
26	qualifying municipal and private drinking water projects and shall not be used for				
27	improvements to the department's internal systems, staffing, or processes.				
28	g. Mental Health				
29	1) \$76,900,000 to the Department of Behavioral Health and Developmental Services (720) for				
30	salary adjustments for direct care staff at state behavioral health facilities and intellectual				
31	disability training centers.				
32	2) \$20,000,000 to the Department of Behavioral Health and Developmental Services (720) for				
33	the continued expansion of community-based crisis services.				
34	3) \$1,200,000 to the Department of Behavioral Health and Developmental Services (720) for				
35	the purchase of personal protective equipment at state facilities.				
36	4) \$1,650,000 to the Department of Behavioral Health and Developmental Services (720) to				
37	continue an expanded pilot program in FY 2023 to serve approximately 60 additional				
38	individuals with a primary diagnosis of dementia who are ready for discharge from state				
39	geriatric behavioral health hospitals to the community and who are in need of nursing facility				
40	level care. Funding for the pilot program shall be dependent upon an agreement between the				
41	department and the Community Services Board in the jurisdiction the pilot program is				
42	located.				
43	5) \$3,000,000 to the Department of Criminal Justice Services (140) to provide resources for				
44	crisis intervention team training to law-enforcement officers and dispatchers, and one position				
45	to provide technical assistance in support of the mental health awareness response and				
46	community understanding services (Marcus) alert system.				
47	h. Substance Use Disorder				
48	1) \$5,000,000 to the Department of Health (601) for substance misuse and suicide prevention				
49	efforts.				
50	2) \$5,000,000 to the Department of Behavioral Health and Developmental Services (720) to				

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1	expand community-based substance use disorder treatment services.				
2	i. Public Health Initiatives				
3	1) \$4,756,000 to the Department of General Services (194) for Consolidated Labs to				
4	include customer support upgrades and Laboratory Information Management System				
5	(LIMS) infrastructure, development, and improvement.				
6	2) \$3,750,000 to the Department of Housing and Community Development (165) for a				
7	dedicated lead rehabilitation program to address childhood lead poisoning in residential				
8	properties.				
9	3) \$20,000,000 to the Department of Health (601) for the procurement and deployment of				
10	an electronic health records system.				
11	4) \$40,000,000 to the Department of Health (601) for the modernization of administrative				
12	systems and software in order to create response capacity during future emergencies.				
13	5) \$20,000,000 to the Department of Health (601) for a records management system that				
14	will digitize and automate records processes.				
15	6) \$5,000,000 to the Department of Medical Assistance Services (602) to address				
16	operational backlogs by hiring contractors to assist with eligibility re-evaluations and				
17	member appeals. Funding also will be used to perform COVID-19 related outreach and				
18	engagement activities.				
19	7) \$3,479,700 to the Department for Aging and Rehabilitative Services (262) to fund				
20	HVAC/air quality systems and physical plant improvements in assisted living facilities				
21	that serve a disproportionate share of auxiliary grant residents.				
22	j. Addressing Community Violence				
23	1) \$75,000 to the Department of Forensic Science (778) for the purchase of equipment				
24	used to analyze firearms evidence.				
25	k. Public Safety				
26	1) \$1,596,258 to the Department of Corrections (799) for five staff positions to support				
27	COVID-19 project management activities.				
28	2) \$135,000 to the Department of Corrections (799) to reimburse the contractor that				
29	operates the Lawrenceville Correctional Center for the cost of personal protective				
30	equipment (PPE).				
31	3) \$600,000 to the Department of Juvenile Justice (777) to fund mobile smartphones for				
32	agency staff.				
33	4) \$1,380,000 to the Department of State Police (156) to support live scan fingerprinting				
34	machines for the agency's area offices.				
35	5) a) \$20,000,000 to the Department of State Police (156) to implement a new				
36	compensation plan for sworn, law enforcement positions that addresses recruitment of				
37	new officers, retention of the existing law enforcement workforce, and pay compression				
38	among the various levels of the sworn, law enforcement positions in the department based				
39	upon the findings presented in the study required by paragraph b) below.				
40	b) The department shall convene a workgroup that shall include staff from the Department				
41	of Human Resource Management and the Joint Legislative Audit and Review Commission				
42	for the purpose of conducting a comprehensive study to document the current issues that				
43	create barriers to the department's ability to recruit and retain qualified and diverse law				
44	enforcement personnel. The study should address issues of pay compression among the				
45	various levels of the existing law enforcement workforce, competition with other				
46	employers for individuals with the same preferred qualifications and skill sets, and any				
47	other circumstances such as the cost of relocation that create barriers to maintaining a				
48	diverse, high quality law enforcement workforce. In addition, the report shall include a				
49	detailed plan for implementing a compensation program that responds to the issues and				

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1	problems outlined in the report and the related annual costs to implement the plan beginning			
2	in fiscal year 2023, and the ongoing cost for the next five fiscal years. This plan shall be			
3	submitted to the Governor, the Chair of the House Appropriations Committee, the Chair of			
4	the Senate Finance and Appropriations Committee, the Director of the Department of Human			
5	Resource Management, and the Director of the Department of Planning and Budget, no later			
6	than October 15, 2021, so that the required funding may be included in the 2022-2024 budget			
7	to be adopted by the General Assembly at its 2022 Session.			
8	C. 1. Out of the appropriation for this Item, amounts estimated at \$221,739,237 the second			
9	year from the estimated revenues to be received from the federal distributions of Capital			
10	Project Fund amounts from the American Rescue Plan Act of 2021 (ARPA) shall be			
11	transferred to Department of Housing and Community Development for the implementation			
12	of broadband improvement projects in the Commonwealth. The funds shall be managed and			
13	awarded through the Virginia Telecommunications Initiative grant making process; however,			
14	the agency may adjust the criteria to reflect the provisions established by the U.S. Department			
15	of the Treasury's rules and regulations established under the American Rescue Plan Act.			
16	2. For grants awarded from the amounts appropriated in paragraphs C.1., B.2.b.2., and Item			
17	114, Paragraph L. of Chapter 552, 2021 Acts of Assembly, Special Session I for the			
18	construction of broadband infrastructure through the Virginia Telecommunications Initiative,			
19	the Department of Housing and Community Development shall deliver an annual			
20	performance report to the Governor, Secretary of Commerce and Trade, and Chairs of the			
21	House Appropriations Committee and Senate Finance and Appropriations Committee on or			
22	before November 1st of each year, starting in Calendar Year 2022. To the extent possible, the			
23	annual performance report shall contain information by grant recipient and year on the			
24	following metrics: (1) Number of passings; (2) Grant dollars expended by fund source (State			
25	and Local Recovery Fund, Capital Project Fund, general fund state grants and match); (3)			
26	Contract performance period, and on-time progress towards project delivery; (4) Maximum			
27	advertised project speeds available; and, (5) Achievement of key project milestones. The			
28	annual performance report shall include an evaluation of any projects under risk of			
29	incompletion or underperformance. The Department of Housing and Community			
30	Development shall develop a public facing dashboard to be updated quarterly that contains			
31	key performance information by grant recipient and year, and includes the key performance			
32	indicators outlined above. Information in this public facing tool shall contain data beginning			
33	with grants awarded in the Fiscal Year 2022 Virginia Telecommunications Initiative grant			
34	cycle.			
35	D.1. The appropriation in this item includes an amount estimated at \$5,691,513,733			
36	\$5,697,540,385 in the second year from the estimated revenues to be received pursuant to the			
37	American Rescue Plan Act of 2021 (ARPA) from grants other than the State and Local			
38	Recovery Fund (SLRF) and Capital Project Fund. The following appropriations shall be			
39	transferred from this item to the following:			
40	RPA Fund Source / Grant	State Agency	FY 2022 Appropriation	
41	State and Local Recovery Fund - Local	Department of Accounts Transfer	\$316,876,775	
42	(Non-Entitlement) - (US Treasury)	Payments (162)		
43	Emergency Rental Assistance (US	Department of Housing and Community	\$465,508,855	
44	Treasury)	Development (165)		
45	Elementary & Secondary School	Department of Education, Central Office	\$211,098,889	
46	Emergency Relief (ESSER) - (US DOE)	Operations (201)		
47	Elementary & Secondary School	Direct Aid to Public Education (197)	\$1,899,890,002	
48	Emergency Relief (ESSER) - (US DOE)			
49	Elementary & Secondary School	Department of Education, Central Office	\$13,818,290	
50	Emergency Relief Homeless Children and Operations (201)			
51	Youth (ESSER) - (US DOE)			
52	Emergency Assistance to Non-Public	Department of Education, Central Office	\$46,344,360	
53	Schools (US DOE)	Operations (201)		
54	Higher Education Emergency Relief Fund	Maintain Affordable Access (984)	\$667,275,718	
55	(HEERF) - Public & Non-Profit			
56	Institutions (US DOE)			
57	IDEA - Grants to States (US DOE)	Direct Aid to Public Education (197)	\$67,450,511	

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1	IDEA - Preschool (US DOE)	Direct Aid to Public Education (197)				\$4,931,537
2	IDEA - Infants and Toddlers (US DOE)	Department of Behavioral Health and				\$5,216,946
3		Developmental Services (720)				
4	Child Care & Development Block Grant	Department of Education, Central				\$305,492,999
5	(ACF)	Office Operations (201)				
6	Child Care Stabilization Grants (ACF)	Department of Education, Central				\$488,605,381
7		Office Operations (201)				
8	Child Care Entitlement to States (ACF)	Department of Education, Central				\$13,091,800
9		Office Operations (201)				
10	Low-income Home Energy Assistance	Department of Social Services (765)				\$90,218,680
11	Program (ACF)					
12	Low-Income Household Water	Department of Social Services (765)				\$9,870,267
13	Assistance Program					
14	Pandemic Emergency Assistance (ACF)	Department of Social Services (765)				\$15,744,856
15	Community-based Child Abuse	Department of Social Services (765)				\$6,231,546
16	Prevention (ACF)					
17	Family Violence Prevention and	Department of Social Services (765)				\$3,004,484
18	Services (ACF)					\$3,054,484
19	Child Abuse State Grants (ACF)	Department of Social Services (765)				\$2,502,243
20	Supportive Services (ACL)	Department for Aging and				\$11,109,729
21		Rehabilitative Services (262)				
22	Home Delivered Meals (ACL)	Department for Aging and				\$7,245,476
23		Rehabilitative Services (262)				
24	Congregate Meals (ACL)	Department for Aging and				\$10,868,214
25		Rehabilitative Services (262)				
26	Preventive Services (ACL)	Department for Aging and				\$1,062,670
27		Rehabilitative Services (262)				
28	Family Caregivers (ACL)	Department for Aging and				\$3,463,008
29		Rehabilitative Services (262)				
30	Title XX Adult Services (ACL)	Department for Aging and				\$2,021,926
31		Rehabilitative Services (262)				
32	Title VII Long-term Care Ombudsman	Department for Aging and				\$241,516
33	(ACL)	Rehabilitative Services (262)				
34	Epidemiology and Lab Capacity for	Department of Health (601)				\$244,000,000
35	School Testing (CDC)					
36	COVID-19 Vaccine Preparedness	Department of Health (601)				\$11,000,000
37	Adjustment (CDC)					
38	Expand Genomic Sequencing (CDC)	Department of Health (601)				\$1,680,000
39	Crisis Response Cooperative Agreement	Department of General Services (194)				\$654,800
40	(CDC)					
41	Crisis Response Cooperative Agreement	Department of Health (601)				\$30,500,000
42	(CDC)					
43	Disease Intervention Workforce (CDC)	Department of Health (601)				\$18,078,048
44	Maternal, Infant and Early Childhood	Department of Health (601)				\$449,000
45	Home Visiting Grant Program (HRSA)					
46	Small Rural Hospital Improvement	Department of Health (601)				\$5,167,520
47	Program (SHIP) (HRSA)					
48	Mental Health Block Grant (SAMHSA)	Department of Behavioral Health and				\$35,786,432
49		Developmental Services (720)				
50	Substance Abuse Block Grant	Department of Behavioral Health and				\$33,982,454
51	(SAMHSA)	Developmental Services (720)				
52	Community-based overdose prevention	Department of Behavioral Health and				\$750,000
53	programs, syringe services programs,	Developmental Services (720)				
54	and other harm reduction services					
55	(HHS)					

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1	Funding For Community-Based Local	Department of Behavioral Health and				\$1,250,000
2	Behavioral Health Needs (HHS)	Developmental Services (720)				
3	SNAP 3-Year State Administrative	Department of Social Services (765)				\$19,217,240
4	Expense Grants (USDA)					
5	Pandemic EBT Administrative Grant	Department of Social Services (765)				\$10,000,000
6	HOME Investment Partnerships Program	Department of Housing and Community				\$39,724,473
7	- Non-entitlement (HUD)	Development (165)				
8	Unemployment Insurance Extension	Virginia Employment Commission (182)				\$556,712,639
9	Implementation Grants (US DOL)					
10	FTA Nonurbanized Area Formula - (US	Department of Rail and Public				\$1,495,144
11	DOT)	Transportation (505)				
12	Enhanced Mobility of Seniors & Persons	Department of Rail and Public				\$890,896
13	with Disabilities - State (US DOT)	Transportation (505)				
14	FTA Intercity Bus Formula	Department of Rail and Public				\$2,307,909
15		Transportation (505)				
16	Emergency Management Performance	Department of Emergency Management				\$2,297,623
17	Grants (FEMA)	(127)				
18	Institute of Museum and Library Services	The Library Of Virginia (202)				\$3,872,000
19	(IMLS)					
20	National Endowment for the Arts - State	Virginia Commission for the Arts (148)				\$871,100
21	Arts Agencies					
22	Aid to State Veterans Homes -	Department of Veterans Services (912)				\$1,439,777
23	Construction (US VA)					
24	Environmental Justice Cooperative	Department of Environmental Quality				\$200,000
25	Agreement Program (EPA)	(440)				
26	Homeless Service Sites & Congregate	Department of Health (601)				\$239,870
27	Settings (ELC)					
28	Strengthening HAI & AR Program	Department of Health (601)				\$1,362,745
29	Capacity (SHARP) (ELC)					
30	Nursing Home & Long-term Care Facility	Department of Health (601)				\$834,930
31	Strike Teams - SNF (ELC)					
32	Nursing Home & Long-term Care Facility	Department of Health (601)				\$825,945
33	Strike Teams - NH & LTC (ELC)					
34	Travelers Health Year 2 (ELC)	Department of Health (601)				\$197,917
35	Expanding the Public Health Workforce	Department for Aging and Rehabilitative				\$200,000
36	Within the Disability Networks:	Services (262)				
37	Independent Living Services					
38	Expanding the Public Health Workforce	Department for Aging and Rehabilitative				\$80,000
39	w/n the Disability Network: AT St. Grants	Services (262)				
40	(ATPH)					
41	Expanding the Public Health Workforce	Department for Aging and Rehabilitative				\$1,965,245
42	within the Aging Network for	Services (262)				
43	States (STPH)					
44	Expanding the Public Health Workforce –	Department for Aging and Rehabilitative				\$150,000
45	No Wrong Door Systems/Aging &	Services (262)				
46	Disability Resource Centers					
47	Expanding the Public Health Workforce –	Department for Aging and Rehabilitative				\$120,000
48	Traumatic Brain Injury State Partnership	Services (262)				
49	Programs					
50	2. a. Out of the appropriation for the Elementary and Secondary School Emergency Relief					
51	(ESSER) Fund, State Educational Agency (SEA) reservation, appropriated to the Department					
52	of Education, Central Office Operations (201), \$3,500,000 the second year shall be					
53	transferred to Direct Aid to Public Education (197) to support the state and local shares of					
54	special education private day school costs for any student with a disability who received					
55	special education and related services in a private day school setting during the 2020-2021					
56	school year and who opts for an extension to attend school during the 2021-2022 school year					

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1	pursuant to Item 146.d. of Chapter 552, 2021 Acts of Assembly, Special Session I.				
2	Payments to school divisions to support special education private day school costs for				
3	such students shall deduct any amounts due to the school division pursuant to Item 146.d				
4	of Chapter 552 and the local match for those funds based on the composite index of local				
5	ability-to-pay. All students who are provided the temporary extension of special education				
6	eligibility pursuant to Item 146.d of Chapter 552 shall be provided a free appropriate				
7	public education consistent with the federal Individuals with Disabilities Education Act				
8	for the duration of the 2021-2022 school year, notwithstanding such students' age or				
9	school setting. School divisions are encouraged to use federal ESSER Funds to meet the				
10	local share of costs for such students.				
11	b. Out of the appropriation for the Elementary and Secondary School Emergency Relief				
12	(ESSER) Fund, State Educational Agency (SEA) reservation, appropriated to the				
13	Department of Education, Central Office Operations (201), \$11,500,000 the second year				
14	shall be transferred to Direct Aid to Public Education (197) to support recruitment efforts				
15	through incentive payments to individuals hired to fill instructional positions between				
16	August 15, 2021, and November 15, 2021. Local school divisions wishing to participate in				
17	this program shall report to the Department of Education the number of instructional				
18	position vacancies on August 15, 2021, no later than August 31, 2021. Based on this				
19	information, the Department shall communicate to each school division its available				
20	allocation from these funds, and school divisions shall communicate the availability of				
21	these funds in their recruitment. Such payments shall be based on \$2,500 per individual;				
22	however, for individuals hired in hard-to-fill positions or hard-to-staff schools, as defined				
23	by the Department of Education, the incentive payment shall be based on \$5,000 per				
24	individual. The Department of Education and the school divisions are authorized to				
25	prorate these amounts if the demand exceeds the initial allocation. School divisions shall				
26	(i) provide half of the incentive payment to the individual no earlier than January 1, 2022,				
27	and (ii) provide the balance of the full amount of the incentive payment to the individual				
28	no earlier than May 1, 2022, provided that the individual receives a satisfactory				
29	performance evaluation and provides a written commitment to return to the same school in				
30	the 2022-2023 school year. Individuals who are employed by a local school division in				
31	Virginia as of July 1, 2021, who accept an otherwise qualifying position in another local				
32	school division are not eligible for this incentive. Individuals employed by a local school				
33	division as of July 1, 2021, who transfer from a non-hard-to-staff school to a hard-to-staff				
34	school, as defined by the Department of Education, within the same division are eligible				
35	for the \$5,000 incentive payment. School divisions shall report to the Department of				
36	Education, in a format specified by the Department, all instructional hires in the 2021-				
37	2022 school year who qualify for this incentive payment, no later than November 30,				
38	2021. No later than the first day of the 2022 General Assembly Session, the Department of				
39	Education shall report on the number of hires reported by each school division				
40	participating in this program and the anticipated amount of funding to be provided to each				
41	school division for payment to those individuals.				
42	3. The Director of the Department of Planning and Budget is authorized to adjust the				
43	amounts appropriated in paragraph D.1. above to reflect the actual revenues received by				
44	the Commonwealth for each grant.				
45	4.a. Agencies are authorized to initiate spending in the second year from these				
46	appropriations in order to provide one-time services for purposes authorized and permitted				
47	under federal law and in accordance with the guidance issued by the U.S. Department of				
48	Treasury and other applicable federal agencies, or to execute requirements of federal law				
49	that must be initiated. No such spending shall be initiated for programs or services that				
50	create an ongoing commitment of state resources after the conclusion of the federal grant				
51	unless such services are required by federal law.				
52	b. Prior to initiating any program, service, or spending from these appropriations, the				
53	responsible agency must provide written notification of its intended action to the				
54	Governor, the Chairs of the House Appropriations Committee and the Senate Finance and				
55	Appropriations Committee, and the Director of the Department of Planning and Budget.				
56	Such notice shall be provided no less than ten business days before an agency initiates				
57	services or incurs any costs associated with the grant. For purposes of this section,				
58	initiating a program includes any public announcement or proposal presented to				
59	constituent groups.				

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1	c. If an agency wishes to spend any amounts from these grants for purposes that create an				
2	ongoing commitment that must be maintained by state resources after the conclusion of the				
3	federal grant, it must receive prior approval and authorization of the General Assembly.				
4	Agencies must submit such proposals to the Department of Planning and Budget for				
5	consideration by the Governor and the General Assembly for the 2022-2024 biennial budget.				
6	d. Agencies must ensure compliance with all use, documentation, and reporting requirements				
7	established in state and federal guidelines and laws.				
8	e. The Governor is authorized to appropriate any additional grants not listed above if they				
9	must be executed before the 2022 regular session of the General Assembly. The Governor				
10	shall provide written notice to the chairpersons of the House Appropriations Committee and				
11	the Senate Finance and Appropriations Committee no less than five business days prior to				
12	appropriating such grants.				
13	E.1. Effective July 1, 2021, through June 30, 2022, the Department of Medical Assistance				
14	Services (DMAS) shall temporarily increase the rates by 12.5 percent for all home and				
15	community based services eligible under guidance from the Centers for Medicaid and				
16	Medicare Services, except that for agency and consumer directed personal care, respite, and				
17	companion services in the home and community based services waivers and Early Periodic				
18	Screening, Diagnosis and Treatment (EPSDT) program, this temporary rate increase is				
19	effective until December 31, 2021. The department shall have the authority to implement				
20	these changes prior to completion of any regulatory process undertaken in order to effect such				
21	change.				
22	2. The Department of Medical Assistance Services (DMAS) shall seek federal authority				
23	through the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of				
24	the Social Security Act to issue one-time COVID-19 support directed payments in the amount				
25	of \$1,000 to Agency Directed personal care providers and Consumer Directed Attendants who				
26	provided personal care, attendant care, respite care, or companion care services to members				
27	who receive services via the EPSDT, Developmental Disability Waivers or the				
28	Commonwealth Coordinated Care Plus Waiver program during the first quarter of state fiscal				
29	year 2022. DMAS shall have the authority to work with necessary vendors and contractors to				
30	determine payment eligibility and the process by which payments will be made. The				
31	department shall have the authority to implement necessary changes prior to the completion of				
32	any regulatory process undertaken in order to effect such change. Effective October 1, 2021,				
33	DMAS shall begin implementing these processes and make payments as soon as				
34	administratively feasible.				
35	3. The Department of Medical Assistance Services (DMAS) shall develop strategies, for				
36	consideration by the 2022 General Assembly, to re-invest general fund dollars freed-up by the				
37	enhanced federal match on home and community based services (HCBS). These strategies				
38	should enhance the Commonwealth's HCBS by creating capacity to meet the growing demand				
39	for HCBS and support structural changes needed to strengthen the HCBS systems. In				
40	addition, DMAS shall work with the Department of Behavioral Health and Developmental				
41	Services and the Centers for Medicaid and Medicare Services to identify any opportunities to				
42	use HCBS reinvestment dollars to divert individuals who are at risk of institutionalization in				
43	state facilities. DMAS shall prioritize those strategies that do not require significant on-going				
44	obligations or rely on rate increases. By October 1, 2021, DMAS shall report these strategies,				
45	including six year cost projections, to the Governor, the Chairs of the House Appropriations				
46	and Senate Finance and Appropriations Committees, and the Director, Department of				
47	Planning and Budget.				
48	F. Notwithstanding any requirement in state law or regulation, the Superintendent of Public				
49	Instruction, with the support of the Commissioner of Social Services, shall have the authority				
50	to alter staff-to-child ratios and group sizes for licensed child day centers and child day				
51	centers that participate in the Child Care Subsidy Program by increasing the number of				
52	children per staff by (1) one child for groups of children from birth to the age of eligibility to				
53	attend public school, and (2) two children for groups of children from the age of eligibility to				
54	attend public school through 12 years. Child day centers that take advantage of this flexibility				
55	must notify families in writing of the temporary increase in ratios and group size. This				
56	authority and any resultant waiver of state law or regulation shall expire June 30, 2022. The				
57	Superintendent of Public Instruction shall ensure that any action taken under this provision is				

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1	permissible under federal requirements.				
2	G. Temporary nurse aides practicing in long term care facilities under the federal Public				
3	Health Emergency 1135 Waiver may be deemed eligible by the Board of Nursing while				
4	this waiver is in effect to take the National Nurse Aide Assessment Program examination				
5	upon submission of a completed application, the employer's written verification of				
6	competency and employment as a temporary nurse aide, and provided no other grounds				
7	exist under Virginia law to deny the application.				
8	H. The Department of Behavioral Health and Developmental Services shall interpret				
9	Standard 12VAC35-105-530 E. to include "lack of adequate staff" as one of the				
10	conditions which can jeopardize the health, safety or welfare of individuals and/or				
11	employees to permit implementation of the emergency evacuation plan in accordance with				
12	Paragraphs A. (as applicable), B. & G. DBHDS shall, if necessary, increase the licensed				
13	capacity for a minimum of six months for any location within 24 hours of receiving notice				
14	either verbally or via electronic communication to ensure that compliance is maintained				
15	with Department of Medical Assistance Regulation 12VAC30-122. Variances shall be				
16	granted for standards 12VAC35-105-340 and/or 360 as requested. This requirement shall				
17	end on June 30, 2022.				
18	I.1. Nurse practitioners licensed by the Boards of Medicine and Nursing in the category of				
19	clinical nurse specialist shall practice in consultation with a licensed physician in				
20	accordance with a practice agreement between the nurse practitioner and the licensed				
21	physician.				
22	2. Notwithstanding the provisions of paragraph I.1. of this item, a nurse practitioner who				
23	was registered with the Board of Nursing as a clinical nurse specialist immediately prior to				
24	July 1, 2021, may practice without a practice agreement with a licensed physician if such				
25	nurse practitioner practices without prescriptive authority. This provision shall expire after				
26	June 30, 2022.				
27	J. Any amounts appropriated in this item that remain unspent at the end of any fiscal year				
28	shall be reappropriated in the next fiscal year to be spent for the same purposes as stated in				
29	this act.				
30	480. Not set out.				
31	481. Not set out.				
32	482. Not set out.				
33	482.10 Not set out.				
34	482.20 Omitted.				
35	Total for Central Appropriations.....			\$63,830,293	\$9,502,226,343
36					\$9,604,781,773
37	Fund Sources: General.....	(\$9,023,428)	\$336,918,851		
38			\$336,159,327		
39	Higher Education Operating.....	\$3,525,816	\$3,525,816		
40			\$553,309		
41	Trust and Agency.....	\$69,327,905	\$69,327,905		
42	Federal Trust.....	\$0	\$9,092,453,771		
43			\$9,198,741,232		
44	TOTAL FOR CENTRAL APPROPRIATIONS.....			\$63,830,293	\$9,502,226,343
45					\$9,604,781,773
46	Fund Sources: General.....	(\$9,023,428)	\$336,918,851		
47			\$336,159,327		
48	Higher Education Operating.....	\$3,525,816	\$3,525,816		
49			\$553,309		
50	Trust and Agency.....	\$69,327,905	\$69,327,905		

ITEM 482.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Federal Trust.....	\$0	\$9,092,453,771		
2			\$9,198,741,232		
3	TOTAL FOR EXECUTIVE DEPARTMENT.....			\$65,769,183,994	\$78,547,425,102
4					\$81,401,885,120
5	General Fund Positions.....	48,937.16	49,354.22		
6			49,412.22		
7	Nongeneral Fund Positions.....	66,615.62	67,160.46		
8			67,176.46		
9	Position Level.....	115,552.78	116,514.68		
10			116,588.68		
11	Fund Sources: General.....	\$22,086,174,841	\$24,598,282,737		
12			\$25,142,109,980		
13	Special.....	\$1,652,938,794	\$1,616,062,699		
14			\$1,620,435,325		
15	Higher Education Operating.....	\$9,675,880,238	\$9,830,927,696		
16			\$9,831,455,189		
17	Commonwealth Transportation.....	\$7,452,158,239	\$7,545,441,398		
18			\$8,008,791,423		
19	Enterprise.....	\$1,634,763,263	\$1,683,280,334		
20	Internal Service.....	\$2,127,455,883	\$2,293,917,698		
21	Trust and Agency.....	\$2,428,022,502	\$2,486,301,516		
22			\$2,546,199,124		
23	Debt Service.....	\$358,087,772	\$358,087,772		
24	Dedicated Special Revenue.....	\$3,538,334,356	\$3,776,514,062		
25			\$4,079,846,332		
26	Federal Trust.....	\$14,815,368,106	\$24,358,609,190		
27			\$25,837,761,943		

ITEM 483.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	INDEPENDENT AGENCIES					
2	483.	Not set out.				
3	484.	Not set out.				
4	485.	Not set out.				
5	486.	Not set out.				
6	487.	Not set out.				
7	488.	Not set out.				
8	489.	Not set out.				
9	490.	Not set out.				
10	491.	Not set out.				
11	492.	Not set out.				
12	493.	Not set out.				
13	494.	Not set out.				
14	495.	Not set out.				
15	496.	Not set out.				
16	497.	Not set out.				
17	497.10	Not set out.				
18	TOTAL FOR INDEPENDENT AGENCIES.....				\$1,052,416,223	\$1,064,550,621
19	Nongeneral Fund Positions.....		1,925.00	1,944.00		
20	Position Level.....		1,925.00	1,944.00		
21	Fund Sources: General.....		\$2,418,671	\$2,843,671		
22	Special.....		\$112,646,104	\$107,378,939		
23	Enterprise.....		\$766,813,839	\$754,665,405		
24	Trust and Agency.....		\$114,366,642	\$115,198,839		
25	Dedicated Special Revenue.....		\$52,108,967	\$80,401,767		
26	Federal Trust.....		\$4,062,000	\$4,062,000		

ITEM 498.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	STATE GRANTS TO NONSTATE ENTITIES			
2	498.	Not set out.		
3	TOTAL FOR STATE GRANTS TO NONSTATE			
4	ENTITIES.....		\$0	\$0
5	TOTAL FOR PART 1: OPERATING EXPENSES....		\$67,494,854,807	\$80,308,247,697
6				\$83,164,773,196
7	General Fund Positions.....	53,053.37	53,582.43	
8			53,642.43	
9	Nongeneral Fund Positions.....	68,768.12	69,242.96	
10			69,258.96	
11	Position Level.....	121,821.49	122,825.39	
12			122,901.39	
13	Fund Sources: General.....	\$22,720,454,731	\$25,256,005,011	
14			\$25,801,632,412	
15	Special.....	\$1,779,847,212	\$1,737,703,952	
16			\$1,742,076,578	
17	Higher Education Operating.....	\$9,675,880,238	\$9,830,927,696	
18			\$9,831,455,189	
19	Commonwealth Transportation.....	\$7,452,158,239	\$7,545,441,398	
20			\$8,008,791,423	
21	Enterprise.....	\$2,401,577,102	\$2,437,945,739	
22	Internal Service.....	\$2,127,455,883	\$2,293,917,698	
23	Trust and Agency.....	\$2,542,512,823	\$2,601,624,034	
24			\$2,661,521,642	
25	Debt Service.....	\$358,087,772	\$358,087,772	
26	Dedicated Special Revenue.....	\$3,615,998,362	\$3,882,470,868	
27			\$4,186,068,461	
28	Federal Trust.....	\$14,820,882,445	\$24,364,123,529	
29			\$25,843,276,282	

Item Details(\$)		Appropriations(\$)	
First Year	Second Year	First Year	Second Year
FY2021	FY2022	FY2021	FY2022

PART 2: CAPITAL PROJECT EXPENSES

§ 2-0. GENERAL CONDITIONS

A.1. The General Assembly hereby authorizes the capital projects listed in this act. The amounts hereinafter set forth are appropriated to the state agencies named for the indicated capital projects. Amounts so appropriated and amounts reappropriated pursuant to paragraph G. of this section shall be available for expenditure during the current biennium, subject to the conditions controlling the expenditures of capital project funds as provided by law. Reappropriated amounts, unless otherwise stated, are limited to the unexpended appropriation balances at the close of the previous biennium, as shown by the records of the Department of Accounts.

2. The Director, Department of Planning and Budget, may transfer appropriations listed in Part 2 of this act from the second year to the first year in accordance with § 4-1.03 c.5. of this act.

B. The five-digit number following the title of a project is the code identification number assigned for the life of the project.

C. Except as herein otherwise expressly provided, appropriations or reappropriations for structures may be used for the purchase of equipment to be used in the structures for which the funds are provided, subject to guidelines prescribed by the Governor.

D. Notwithstanding any other provisions of law, appropriations for capital projects shall be subject to the following:

1. Appropriations or reappropriations of funds made pursuant to this act for planning of capital projects shall not constitute implied approval of construction funds in a future biennium. Funds, other than the reappropriations referred to above, for the preparation of capital project proposals must come from the affected agency's existing resources.

2. No capital project for which appropriations for planning are contained in this act, nor any project for which appropriations for planning have been previously approved, shall be considered for construction funds until preliminary plans and cost estimates are reviewed by the Department of General Services. The purpose of this review is to avoid unnecessary expenditures for each project, in the interest of assuring the overall cost of the project is reasonable in relation to the purpose intended, regardless of discrete design choices.

E.1. Expenditures from Items in this act identified as "Maintenance Reserve" are to be made only for the maintenance of property, plant, and equipment as defined in § 4-4.01 c. of this act to the extent that funds included in the appropriation to the agency for this purpose in Part 1 of this act are insufficient.

2. Agencies and institutions of higher education can expend up to \$2,000,000 for a single repair or project, and up to \$4,000,000 for a roof replacement project, through the maintenance reserve appropriation. Such expenditures shall be subject to rules and regulations prescribed by the Governor. To the extent an agency or institution of higher education has identified a potential project that exceeds this threshold, the Director, Department of Planning and Budget, can provide exemptions to the threshold as long as the project still meets the definition of a maintenance reserve project as defined by the Department of Planning and Budget.

3. Only facilities supported wholly or in part by the general fund shall utilize general fund maintenance reserve appropriations. Facilities supported entirely by nongeneral funds shall accomplish maintenance through the use of nongeneral funds.

F. Conditions Applicable to Bond Projects

1. The capital projects listed in §§ 2-26 and 2-27 for the indicated agencies and institutions of higher education are hereby authorized and sums from the sources and in the amount indicated are hereby appropriated and reappropriated. The issuance of bonds in a principal amount plus amounts needed to fund issuance costs, reserve funds, and other financing expenses, including capitalized interest for any project listed in §§ 2-26 and 2-27 is hereby authorized.

2. The issuance of bonds for any project listed in § 2-26 is to be separately authorized pursuant to Article X, Section 9 (c), Constitution of Virginia.

3. The issuance of bonds for any project listed in §§ 2-26 or 2-27 shall be authorized pursuant to § 23.1-1106, Code of Virginia.

4. In the event that the cost of any capital project listed in §§ 2-26 and 2-27 shall exceed the amount appropriated therefore, the Director, Department of Planning and Budget, is hereby authorized, upon request of the affected institution, to approve an increase in appropriation authority of not more than ten percent of the amount designated in §§ 2-26 and 2-27 for such project, from any available nongeneral fund revenues, provided that such increase shall not constitute an increase in debt issuance authorization for such capital project. Furthermore, the Director, Department of Planning and Budget, is hereby authorized to approve the expenditure of all interest earnings derived from the investment of bond proceeds in addition to the amount designated in §§ 2-26 and 2-27 for such capital project.

		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	5. The interest on bonds to be issued for these projects may be subject to inclusion in gross income for federal income tax purposes.				
2	6. Inclusion of a project in this act does not imply a commitment of state funds for temporary construction financing. In the absence of				
3	such commitment, the institution may be responsible for securing short-term financing and covering the costs from other sources of				
4	funds.				
5	7. In the event that the Treasury Board determines not to finance all or any portion of any project listed in § 2-26 of this act with the				
6	issuance of bonds pursuant to Article X, Section 9 (c), Constitution of Virginia, and notwithstanding any provision of law to the				
7	contrary, this act shall constitute the approval of the General Assembly to finance all or such portion of such project under the				
8	authorization of § 2-27 of this act.				
9	8. The General Assembly further declares and directs that, notwithstanding any other provision of law to the contrary, 50 percent of the				
10	proceeds from the sale of surplus real property pursuant to § 2.2-1147 et seq., Code of Virginia, which pertain to the general fund, and				
11	which were under the control of an institution of higher education prior to the sale, shall be deposited in a special fund set up on the				
12	books of the State Comptroller, which shall be known as the Higher Education Capital Projects Fund. Such sums shall be held in				
13	reserve, and may be used, upon appropriation, to pay debt service on bonds for the 21st Century College Program as authorized in Item				
14	C-7.10 of Chapter 924 of the Acts of Assembly of 1997.				
15	9. Notwithstanding any other provision of law, a public institution of higher education may participate in the United States Department				
16	of Education Historically Black College and University Capital Financing Program (HBCU Program), and use federal grant and				
17	contract funds as permitted by the Program.				
18	G. Upon certification by the Director, Department of Planning and Budget, there is hereby reappropriated the appropriations				
19	unexpended at the close of the previous biennium for all authorized capital projects which meet any of the following conditions:				
20	1. Construction is in progress.				
21	2. Equipment purchases have been authorized by the Governor but not received.				
22	3. Plans and specifications have been authorized by the Governor but not completed.				
23	4. Obligations were outstanding at the end of the previous biennium.				
24	H. Alternative Financing				
25	1. Any agency or institution of the Commonwealth that would construct, purchase, lease, or exchange a capital asset by means of an				
26	alternative financing mechanism, such as the Public Private Education Infrastructure Act, or similar statutory authority, shall provide a				
27	report to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees no less than 30 days prior to				
28	entering into such alternative financing agreement. This report shall provide:				
29	a. a description of the purpose to be achieved by the proposal;				
30	b. a description of the financing options available, including the alternative financing, which will delineate the revenue streams or client				
31	populations pledged or encumbered by the alternative financing;				
32	c. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the Commonwealth;				
33	d. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the clients of the agency or institution;				
	and				
34	e. a recommendation and planned course of action based on this analysis.				
35	I. Conditions Applicable to Alternative Financing				
36	The following authorizations to construct, purchase, lease or exchange a capital asset by means of an alternative financing mechanism,				
37	such as the Public Private Education Infrastructure Act, or similar statutory authority, are continued until revoked:				
38	1. James Madison University				
39	a. Subject to the provisions of this act, the General Assembly authorizes James Madison University, with the approval of the Governor,				
40	to explore and evaluate an alternative financing scenario to provide additional parking, student housing, and/or operational related				
41	facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board				
42	Guidelines issued pursuant to § 23.1-1106 C.1.d, Code of Virginia.				
43	b. The General Assembly authorizes James Madison University to enter into a written agreement with a public or private entity to				
44	design, construct, and finance a facility or facilities to provide additional parking, student housing, and/or operational related facilities.				

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The facility or facilities may be located on property owned by the Commonwealth. All project proposals and approvals shall be in accordance with the guidelines cited in paragraph 1 of this item. James Madison University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities.

c. The General Assembly further authorizes James Madison University to enter into a written agreement with the public or private entity for the support of such parking, student housing, and/or operational related facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students, and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

d. James Madison University is further authorized to convey fee simple title in and to one or more parcels of land to James Madison University Foundation (JMUF), which will develop and use the land for the purpose of developing and establishing residential housing for students and/or faculty and staff, office, retail, athletics, dining, student services, and other auxiliary activities and commercial land use in accordance with the University's Master Plan.

2. Longwood University

a. Subject to the provisions of this act, the General Assembly authorizes Longwood University to enter into a written agreement or agreements with the Longwood University Real Estate Foundation (LUREF) for the development, design, construction and financing of student housing projects, a convocation center, parking, and operational and recreational facilities through alternative financing agreements including public-private partnerships. The facility or facilities may be located on property owned by the Commonwealth.

b. Longwood is further authorized to enter into a written agreement with the LUREF for the support of such student housing, convocation center, parking, and operational and recreational facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

c. The General Assembly further authorizes Longwood University to enter into a written agreement with a public or private entity to plan, design, develop, construct, finance, manage and operate a facility or facilities to provide additional student housing and/or operational-related facilities. Longwood University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities. The State Treasurer is authorized to make Treasury loans to provide interim financing for planning, construction and other costs of any of the projects. Revenue bonds issued by or for the benefit of LUREF will provide construction and/or permanent financing.

d. Longwood University is further authorized to convey fee simple title in and to one or more parcels of land to LUREF, which will develop and use the land for the purpose of developing and establishing residential housing for students and/or faculty and staff, office, retail, athletics, dining, student services, and other auxiliary activities and commercial land use in accordance with the University's Master Plan.

3. Christopher Newport University

a. Subject to the provisions of this act, the General Assembly authorizes Christopher Newport University to enter into, continue, extend or amend written agreements with the Christopher Newport University Educational Foundation (CNUF) or the Christopher Newport University Real Estate Foundation (CNUREF) in connection with the refinancing of certain housing and office space projects.

b. Christopher Newport University is further authorized to enter into, continue, extend or amend written agreements with CNUF or CNUREF to support such facilities including agreements to (i) lease all or a portion of such facilities from CNUF or CNUREF, (ii) include such facilities in the University's building inventory, (iii) manage the operation and maintenance of the facilities, including collection of any rental fees from University students in connection with the use of such facilities, and (iv) otherwise support the activities at such facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligation under any documents or instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

4. Radford University

a. Subject to the provisions of this act, the General Assembly authorizes Radford University, with the approval of the Governor, to explore and evaluate an alternative financing scenario to provide additional parking, student housing, and/or operational related facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board Guidelines issued pursuant to § 23.1-1106 C.1.d, Code of Virginia.

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b. The General Assembly authorizes Radford University to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional parking, student housing, and/or operational related facilities. The facility or facilities may be located on property owned by the Commonwealth. All project proposals and approvals shall be in accordance with the guidelines cited in paragraph 1 of this item. Radford University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities.

c. The General Assembly further authorizes Radford University to enter into a written agreement with the public or private entity for the support of such parking, student housing, and/or operational related facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students, and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

5. University of Mary Washington

a. Subject to the provisions of this act, the General Assembly authorizes the University of Mary Washington to enter into a written agreement or agreements with the University of Mary Washington Foundation (UMWF) to support student housing projects and/or operational-related or other facilities through alternative financing agreements including public-private partnerships and leasehold financing arrangements.

b. The University of Mary Washington is further authorized to enter into written agreements with UMWF to support such student housing facilities; the support may include agreements to (i) include the student housing facilities in the University's students housing inventory; (ii) manage the operation and maintenance of the facilities, including collection of rental fees as if those students occupied University-owned housing; (iii) assign students to the facilities in preference to other University-owned facilities; (iv) seek to obtain police power over the student housing as provided by law; and (v) otherwise support the students housing facilities consistent with law, provided that the University's obligation under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

c. The General Assembly further authorizes the University of Mary Washington to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional student housing and/or operational-related facilities. The facility or facilities may or may not be located on property owned by the Commonwealth. The University of Mary Washington is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities. The State Treasurer is authorized to make Treasury loans to provide interim financing for planning, construction and other costs of any of the projects. Revenue bonds issued by or for UMWF will provide construction and/or permanent financing.

d. The University of Mary Washington is further authorized to convey fee simple title in and to one or more parcels of land to the University of Mary Washington Foundation (UMWF) which will develop and use the land for the purpose of developing and establishing residential housing for students, faculty, or staff, recreational, athletic, and/or operational related facilities including office, retail and commercial, student services, or other auxiliary activities.

6. Norfolk State University

a. Subject to the provisions of this act, the General Assembly authorizes Norfolk State University to enter into a written agreement or agreements with a Foundation of the University for the development of one or more student housing projects on or adjacent to campus, subject to the conditions outlined in the Public-Private Education Facilities Infrastructure Act of 2002.

b. Norfolk State University is further authorized to enter into written agreements with a Foundation of the University to support such student housing facilities; the support may include agreements to (i) include the student housing facilities in the University's student housing inventory; (ii) manage the operation and maintenance of the facilities, including collection of rental fees as if those students occupied University-owned housing; (iii) assign students to the facilities in preference to other University-owned facilities; (iv) restrict construction of competing student housing projects; (v) seek to obtain police power over the student housing as provided by law; and (vi) otherwise support the student housing facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

7. Northern Virginia Community College - Alexandria Campus

The General Assembly authorizes Northern Virginia Community College, Alexandria Campus to enter into a written agreement either with its affiliated foundation or a private contractor to construct a facility to provide on-campus housing on College land to be leased to said foundation or private contractor for such purposes. Northern Virginia Community College, Alexandria Campus, is also authorized to enter into a written agreement with said foundation or private contractor for the support of such student housing facilities and management of the operation and maintenance of the same.

Item Details(\$)		Appropriations(\$)	
First Year	Second Year	First Year	Second Year
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1 8. Virginia State University

2 a. Subject to the provisions of this act, the General Assembly authorizes Virginia State University (University) to enter into a written
3 agreement or agreements with the Virginia State University Foundation (VSUF), Virginia State University Real Estate Foundation
4 (VSUREF), and other entities owned or controlled by the university for the development, design, construction, financing, and
5 management of a mixed-use economic development corridor comprising student housing, parking, and dining facilities through
6 alternative financing agreements including public-private partnerships. The facility or facilities may be located on property owned by
7 the Commonwealth.

8 b. Virginia State University is further authorized to enter into a written agreement with the VSUREF, VSUF, and other entities owned
9 or controlled by the university for the support of such a mixed-use economic development corridor comprising student housing,
10 parking, and dining facilities by including these projects in the university's facility inventory and managing their operation and
11 maintenance; by assigning parking authorizations, students and/or operations to the facility or facilities in preference to other
12 university facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law,
13 provided that the university shall not be required to take any action that would constitute a breach of the university's obligations under
14 any documents or other instruments constituting or securing bonds or other indebtedness of the university or the Commonwealth of
15 Virginia.

16 9. College of William and Mary

17 a. Subject to the provisions of this act, the General Assembly authorizes the College of William and Mary, with the approval of the
18 Governor, to explore and evaluate alternative financing scenarios to provide additional parking, student or faculty/staff housing,
19 recreational, athletic and/or operational related facilities. The project shall be consistent with the guidelines of the Department of
20 General Services and comply with Treasury Board guidelines issued pursuant to § 23.1-1106 C.1. (d), Code of Virginia.

21 b. The General Assembly authorizes the College of William and Mary to enter into written agreements with public or private entities
22 to design, construct, and finance a facility or facilities to provide additional parking, student or faculty/staff housing, recreational,
23 athletic, and/or operational related facilities. The facility or facilities may be on property owned by the Commonwealth. All project
24 proposals and approvals shall be in accordance with the guidelines cited in paragraph 1 of this item. The College of William and Mary
25 is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facility.

26 c. The General Assembly further authorizes the College of William and Mary to enter into written agreements with the public or
27 private entities for the support and operation of such parking, student or faculty/staff housing, recreational, athletic, and/or operational
28 related facilities by including the facilities in the College's facility inventory and managing their operation and maintenance including
29 the assignment of parking authorizations, students, faculty or staff, and operations to the facility in preference to other university
30 facilities, limiting construction of competing projects, and by otherwise supporting the facilities consistent with law, provided that the
31 College shall not be required to take any action that would constitute a breach of the University's obligations under any documents or
32 other instruments constituting or securing bonds or other indebtedness of the College or the Commonwealth of Virginia.

33 d. The College of William and Mary is further authorized to convey fee simple title in and to one or more parcels of land to the
34 William and Mary Real Estate Foundation (WMREF) which will develop and use the land for the purpose of developing and
35 establishing residential housing for students, faculty, or staff, recreational, athletic, and/or operational related facilities including
36 office, retail and commercial, student services, or other auxiliary activities.

37 10. The following individuals, and members of their immediate family, may not engage in an alternative financing arrangement with
38 any agency or institution of the Commonwealth, where the potential for financial gain, or other factors may cause a conflict of interest:

39 a. A member of the agency or institution's governing body;

40 b. Any elected or appointed official of the Commonwealth or its agencies and institutions who has, or reasonably can be assumed to
41 have, a direct influence on the approval of the alternative financing arrangement; or

42 c. Any elected or appointed official of a participating political subdivision, or authority who has, or reasonably can be assumed to
43 have, a direct influence on the approval of the alternative financing arrangement.

44 J. 1. Appropriations contained in this act for capital project planning shall be used as specified for each capital project and construction
45 funding for the project shall be considered by the General Assembly after determining that (1) project cost is reasonable; (2) the
46 project remains a highly-ranked capital priority for the Commonwealth; and (3) the project is fully justified from a space and
47 programmatic perspective.

48 2. Appropriations reappropriated for institutions of higher education, in accordance with § 23.1-1002, Code of Virginia, may be used
49 to fund the detailed planning authorized for projects in this act and shall be reimbursed when the project is funded to move into the
50 construction phase.

51 K. Any capital project that has received a supplemental appropriation due to cost overruns is expected to be completed within the

Item Details(\$)		Appropriations(\$)	
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1 revised budget provided. If a project requires an additional supplement, the Governor should also consider reduction in project scope or
2 cancelling the project before requesting additional appropriations. Agencies and institutions with nongeneral funds may bear the costs of
3 additional overruns from nongeneral funds.

4 L. The Governor shall consider the project life cycle cost that provides the best long-term benefit to the Commonwealth when
5 conducting capital project reviews, design and construction decisions, and project scope changes.

6 M. No structure, improvement or renovation shall occur on the state property located at the Carillon in Byrd Park in the City of
7 Richmond without the approval of the General Assembly.

8 N. All agencies of the Commonwealth and institutions of higher education shall provide information and/or use systems and processes
9 in the method and format as directed by the Director, Department of General Services, on behalf of the Six-Year Capital Outlay Plan
10 Advisory Committee, to provide necessary information for state-wide reporting. This requirement shall apply to all projects, including
11 those funded from general and nongeneral fund sources.

12 O. The Director, Department of Planning and Budget, in consultation with the Six-Year Capital Outlay Plan Advisory Committee, is
13 authorized to transfer bond appropriations and bond proceeds between and among the capital pool projects listed in the table below, in
14 order to address any shortfall in appropriation in one or more of such projects:

Pool Project No.	Pool Project Title	Authorization
1775	Public Education Institutions Capital Account	Enactment Clause 2, § 4, Chapter 1, 2008 Acts of Assembly, Special Session I
1776	State Agency Capital Account	Enactment Clause 2, § 2, Chapter 1, 2008 Acts of Assembly, Special Session I
17861	Supplements for Previously Authorized Higher Education Capital Projects	Item C-85, Chapter 874, 2010 Acts of Assembly; amended by Item C-85, Chapter 890, 2011 Acts of Assembly
17862	Energy Conservation	Item C-86, Chapter 890, 2011 Acts of Assembly
17967	Capital Outlay Project Pool	Item C-38.10, Chapter 3, 2012 Acts of Assembly, Special Session I; amended by: Item C-38.10, Chapter 806, 2013 Acts of Assembly; by Item C-38.10, Chapter 1, 2014 Acts of Assembly, Special Session I; Item C-43, Chapter 2, 2014 Acts of Assembly, Special Session I; Item C-43, Chapter 665, 2015 Acts of Assembly; and Item 48.10, Chapter 836, 2017 Acts of Assembly; and Item C-44.10, Chapter 854, 2019 Acts of Assembly.
18049	Comprehensive Capital Outlay Program	Item C-39.40, Chapter 806, 2013 Acts of Assembly; amended by: Item C-39.40, Chapter 1, 2014 Acts of Assembly, Special Session I; Item C-46.10, Chapter 2, 2014 Acts of Assembly, Special Session I, Item 46.10, Chapter 665, 2015 Acts of Assembly, and Item C-46, Chapter 2, 2018 Acts of Assembly, Special Session I.
18196	Capital Outlay Renovation Pool	Item C-46.15, Chapter 665, 2015 Acts of Assembly; amended by: Item C-46.10, Chapter 854, 2019 Acts of Assembly.
18300	2016 VPBA Capital Construction Pool	§ 1, Chapters 759 and 769, 2016 Acts of Assembly; amended by: Item C-47, Chapter 2, 2018 Acts of Assembly, Special Session I.
18301	2016 VCBA Capital Construction Pool	§ 2, Chapters 759 and 769, 2016 Acts of Assembly; amended by: Item C-48, Chapter 2, 2018 Acts of Assembly, Special Session I.
18371	2018 Capital Construction Pool	Item C-45, Chapter 2, 2018 Acts of

		Item Details(\$)		Appropriations(\$)	
		First Year	Second Year	First Year	Second Year
		FY2021	FY2022	FY2021	FY2022
1				Assembly, Special Session I; amended	
2				by: Item C-45, Chapter 854, 2019 Acts of	
3				Assembly.	
4	18382	Supplemental funding: Capitol Complex	Item C-51.50, Chapter 2, 2018 Acts of		
5		Infrastructure and Security	Assembly, Special Session I; amended		
6			by: Item C-51.50, Chapter 854, 2019		
7			Acts of Assembly.		
8	18408	2019 Capital Construction Pool	Item C-48.10, Chapter 854, 2019 Acts of		
9			Assembly.		
10	18493	2020 VPBA Construction Pool	Item C-67 of this act.		
11	18494	2020 VCBA Constructions Pool	Item C-68 of this act.		
12	18145	Supplement Previously Authorized	Item C-69 of this act.		
13		Capital Project Construction Pools			
14	18540	2021 Capital Construction Pool	Item C-68.50 of this act.		
15	P. Not more than a total aggregate principal amount of \$250 million in debt obligations shall be issued excluding refunding bonds in				
16	any fiscal year for the capital projects listed in Items C-67 and C-68 of this act, provided, however, that if less than a total aggregate				
17	principal amount of \$250 million in debt obligations is incurred in any fiscal year for such capital projects, the unused amount may be				
18	added to any subsequential fiscal year. Issuance of debt shall proceed so that the projected average annual debt service on all tax-				
19	supported debt over the 10-year horizon shall be in accordance with the guidelines established by the Debt Capacity Advisory				
20	Committee. The Six-Year Capital Outlay Plan Advisory Committee shall establish procedures to ensure compliance with the annual				
21	issuance limits and shall meet at least quarterly to review progress.				
22	EXECUTIVE DEPARTMENT				
23	OFFICE OF ADMINISTRATION				
24	C-1.	Not set out.			
25	C-1.10	Not set out.			
26	C-1.20	Not set out.			
27	C-1.30	Not set out.			
28	TOTAL FOR OFFICE OF ADMINISTRATION.....			\$17,800,000	\$22,052,000
29	Fund Sources: General.....		\$0	\$17,540,000	
30	Bond Proceeds.....		\$17,800,000	\$4,512,000	
31	OFFICE OF AGRICULTURE AND FORESTRY				
32	C-2.	Not set out.			
33	TOTAL FOR OFFICE OF AGRICULTURE AND				
34	FORESTRY.....			\$5,110,191	\$6,725,000
35	Fund Sources: Dedicated Special Revenue.....		\$5,110,191	\$5,725,000	
36	Federal Trust.....		\$0	\$1,000,000	
37	OFFICE OF EDUCATION				
38	§ 2-1. CHRISTOPHER NEWPORT UNIVERSITY (242)				
39	C-3.	Not set out.			
40	C-4.	New Construction: Integrated Science Center,			
41		Phase III (18496).....		\$2,061,000	\$0
42					\$2,061,000

ITEM C-4.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Fund Sources: <i>General</i>	\$0	\$2,061,000		
2	Higher Education Operating.....	\$2,061,000	\$0		
3	A. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of Virginia,				
4	Christopher Newport University shall submit its completed detailed planning documents to				
5	the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation.				
6	However, no planning documents pursuant to this item shall be submitted to the Governor or				
7	the General Assembly prior to July 1, 2022.				
8	B. Christopher Newport University shall be reimbursed for all nongeneral funds used when				
9	the project is funded to move into the construction phase.				
10	<i>C. The scope of this project is hereby amended to include 71,500 square feet of new</i>				
11	<i>construction and 8,300 square feet of renovation.</i>				
12	Total for Christopher Newport University.....			\$4,850,000	\$0
13					\$2,061,000
14	Fund Sources: <i>General</i>	\$0	\$2,061,000		
15	Higher Education Operating.....	\$2,061,000	\$0		
16	Bond Proceeds.....	\$2,789,000	\$0		
17	C-5.	Not set out.			
18	C-6.	Not set out.			
19	C-7.	Not set out.			
20	C-8.	Not set out.			
21	C-9.	Not set out.			
22	C-10.	Not set out.			
23	C-11.	Not set out.			
24	C-12.	Not set out.			
25	C-12.10	Not set out.			
26	C-12.20	Not set out.			
27	C-13.	Not set out.			
28	C-14.	Not set out.			
29	C-15.	Not set out.			
30	C-16.	Not set out.			
31	C-17.	Not set out.			
32	C-17.30	Not set out.			
33	C-17.50	Not set out.			
34	C-18.	Not set out.			
35	C-19.	Not set out.			

			Item Details(\$)		Appropriations(\$)	
ITEM C-20.			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	C-20.	Not set out.				
2	C-21.	Not set out.				
3	§ 2-2. VIRGINIA COMMONWEALTH UNIVERSITY (236)					
4	C-22.	Planning: Construct Interdisciplinary Classroom			\$250,000	\$0
5		and Laboratory Building (18472).....				\$101,000
6						
7		Fund Sources: Higher Education Operating.....	\$250,000	\$0		
8				\$101,000		
9	A. 1. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of					
10	Virginia, Virginia Commonwealth University shall submit its completed detailed planning					
11	documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and					
12	recommendation. However, no planning documents pursuant to this item shall be					
13	submitted to the Governor or the General Assembly prior to July 1, 2023.					
14	2. As part of the planning process for this project, Virginia Commonwealth University will					
15	evaluate and submit construction phasing options.					
16	B. Virginia Commonwealth University shall be reimbursed for all nongeneral funds used					
17	when the project is funded to move into the construction phase.					
18	C-22.10	Not set out.				
19	C-22.20	Planning: New Arts and Innovation Building			\$5,000,000	\$0
20		(18500).....				\$1,809,000
21						
22		Fund Sources: Higher Education Operating.....	\$5,000,000	\$0		
23				\$1,809,000		
24	A.1. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of					
25	Virginia, Virginia Commonwealth University shall submit its completed detailed planning					
26	documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and					
27	recommendation. However, no planning documents pursuant to this item shall be					
28	submitted to the Governor or the General Assembly prior to July 1, 2022.					
29	2. As part of the planning process for this project, Virginia Commonwealth University will					
30	evaluate and submit construction phasing options.					
31	B. Virginia Commonwealth University shall be reimbursed for all nongeneral funds used					
32	when the project is funded to move into the construction phase.					
33	C-22.30	Commonwealth Center for Cloud Computing (C-4).			\$0	\$0
34	A. As the Virginia Commonwealth University has fulfilled the requirements of Item C-					
35	68.50 G., Chapter 552 of the 2021 Acts of Assembly, Special Session I, including having					
36	submitted the December 1, 2021, report to the Chairs of the House Appropriations					
37	Committee and Senate Finance and Appropriations Committee, the Director, Department					
38	of Planning and Budget is directed to release \$6,880,000 in bond proceeds of the Virginia					
39	College Building Authority as specified in C-68.50 F.2., Chapter 552 of the 2021 Acts of					
40	Assembly, Special Session I for the support, acquisition and installation of High-					
41	Performance Computing tools for the development of the Commonwealth Center for					
42	Cloud Computing (C-4).					
43		Total for Virginia Commonwealth University.....			\$5,250,000	\$16,000,000
44						\$17,910,000
45		Fund Sources: General.....	\$0	\$14,700,000		
46		Higher Education Operating.....	\$5,250,000	\$1,300,000		
47				\$3,210,000		

ITEM C-22.30.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	§ 2-3. VIRGINIA COMMUNITY COLLEGE SYSTEM (260)					
2	C-23.	Not set out.				
3	C-23.5	Not set out.				
4	C-24.	Omitted.				
5	C-24.10	Not set out.				
6	Total for Virginia Community College System.....				\$18,700,000	\$0
7	Fund Sources: General.....		\$500,000	\$0		
8	Bond Proceeds.....		\$18,200,000	\$0		
9	§ 2-4. VIRGINIA MILITARY INSTITUTE (211)					
10	C-25.	Not set out.				
11	C-25.10	Improvements: Improve Cadet Safety and Security				
12	(18603).....				\$0	\$8,675,000
13	Fund Sources: General.....		\$0	\$8,675,000		
14	Total for Virginia Military Institute.....				\$2,000,000	\$0
15						\$8,675,000
16	Fund Sources: General.....		\$0	\$8,675,000		
17	Bond Proceeds.....		\$2,000,000	\$0		
18	§ 2-5. VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY (208)					
19	C-26.	Not set out.				
20	C-27.	Not set out.				
21	C-28.	Not set out.				
22	C-29.	Not set out.				
23	C-30.	Not set out.				
24	C-31.	Not set out.				
25	C-32.	Not set out.				
26	C-33.	Not set out.				
27	C-33.10	Not set out.				
28	C-34.	Omitted.				
29	C-35.	Not set out.				
30	C-36.	Not set out.				
31	C-36.10	Not set out.				

ITEM C-36.30.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	C-36.30	Not set out.			
2	C-36.40	Not set out.			
3	C-36.45	Not set out.			
4	C-36.50	Not set out.			
5	TOTAL FOR OFFICE OF EDUCATION.....			\$973,550,798	\$133,443,237
6					\$146,089,237
7	Fund Sources: General.....		\$1,800,000	\$14,700,000	
8				\$25,436,000	
9	Special.....		\$82,000,000	\$7,506,000	
10	Higher Education Operating.....		\$73,201,736	\$8,843,771	
11				\$10,753,771	
12	Bond Proceeds.....		\$816,549,062	\$102,393,466	
13	OFFICE OF HEALTH AND HUMAN RESOURCES				
14	C-37.	Not set out.			
15	C-38.	Not set out.			
16	C-39.	Not set out.			
17	TOTAL FOR OFFICE OF HEALTH AND				
18	HUMAN RESOURCES.....			\$21,470,000	\$1,223,500
19	Fund Sources: Bond Proceeds.....		\$21,470,000	\$1,223,500	
20	OFFICE OF NATURAL RESOURCES				
21	§ 2-6. DEPARTMENT OF CONSERVATION AND RECREATION (199)				
22	C-40.	Not set out.			
23	C-41.	Not set out.			
24	C-42.	Not set out.			
25	C-43.	Not set out.			
26	C-44.	Omitted.			
27	C-45.	Omitted.			
28	C-46.	Not set out.			
29	C-47.	Omitted.			
30	C-48.	Omitted.			
31	Total for Department of Conservation and				
32	Recreation.....			\$38,015,130	\$1,800,000
33	Fund Sources: General.....		\$0	\$1,000,000	
34	Special.....		\$1,945,020	\$0	
35	Dedicated Special Revenue.....		\$2,000,000	\$800,000	

ITEM C-48.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1		Federal Trust.....	\$4,912,110	\$0		
2		Bond Proceeds.....	\$29,158,000	\$0		
3	C-49.	Not set out.				
4	C-50.	Not set out.				
5	C-51.	Not set out.				
6	C-52.	Not set out.				
7	C-53.	Not set out.				
8		§ 2-7. DEPARTMENT OF HISTORIC RESOURCES (423)				
9	C-53.50	New Construction: Construct Clermont Farm Barn				
10		Replacement (18642).....			\$0	\$1,584,000
11		Fund Sources: Special.....	\$0	\$1,584,000		
12		Total for Department of Historic Resources.....			\$0	\$1,584,000
13		Fund Sources: Special.....	\$0	\$1,584,000		
14	C-54.	Not set out.				
15		TOTAL FOR OFFICE OF NATURAL				
16		RESOURCES.....			\$57,265,130	\$11,050,000
17						\$12,634,000
18		Fund Sources: General.....	\$0	\$1,000,000		
19		Special.....	\$1,945,020	\$0		
20				\$1,584,000		
21		Dedicated Special Revenue.....	\$4,250,000	\$3,050,000		
22		Federal Trust.....	\$11,912,110	\$7,000,000		
23		Bond Proceeds.....	\$39,158,000	\$0		
24		OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY				
25	C-55.	Not set out.				
26	C-55.10	Not set out.				
27	C-55.90	Not set out.				
28	C-56.	Not set out.				
29		TOTAL FOR OFFICE OF PUBLIC SAFETY AND				
30		HOMELAND SECURITY.....			\$55,198,717	\$58,500,000
31		Fund Sources: General.....	\$0	\$500,000		
32		Trust and Agency.....	\$198,717	\$3,000,000		
33		Bond Proceeds.....	\$55,000,000	\$55,000,000		
34		OFFICE OF TRANSPORTATION				
35	C-56.50	Not set out.				
36	C-57.	Not set out.				
37	C-58.	Not set out.				

ITEM C-59.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	C-59.	Not set out.				
2	C-60.	Not set out.				
3	C-61.	Not set out.				
4	C-61.50	Not set out.				
5	TOTAL FOR OFFICE OF TRANSPORTATION...				\$154,871,839	\$134,250,000
6	Fund Sources: Special.....		\$88,000,000	\$65,000,000		
7	Commonwealth Transportation.....		\$58,671,839	\$63,500,000		
8	Federal Trust.....		\$7,200,000	\$5,750,000		
9	Bond Proceeds.....		\$1,000,000	\$0		
10	OFFICE OF VETERANS AND DEFENSE AFFAIRS					
11	§ 2-8. DEPARTMENT OF VETERANS SERVICES (912)					
12	C-61.60	Not set out.				
13	C-61.70	Not set out.				
14	C-61.80	Improvements: Expand Dublin Veterans Cemetery				
15		Columbarium (18638).....			\$0	\$634,807
16	Fund Sources: Federal Trust.....		\$0	\$634,807		
17	A. The Director, Department of Planning and Budget, shall approve a short-term,					
18	interest-free treasury loan in the amount of up to \$500,000 for the Department of Veterans					
19	Services for design costs and to assist with cash flow for the columbarium construction.					
20	The loan shall be repaid by the Department of Veterans Services by June 30, 2024.					
21	C-61.90	Improvements: Expand Amelia Veterans Cemetery				
22		Columbarium (18639).....			\$0	\$2,017,774
23	Fund Sources: Federal Trust.....		\$0	\$2,017,774		
24	A. The Director, Department of Planning and Budget, shall approve a short-term,					
25	interest-free treasury loan in the amount of up to \$1,000,000 for the Department of					
26	Veterans Services for design costs and to assist with cash flow during the columbaria					
27	construction. The loan shall be repaid by the Department of Veterans Services by June 30,					
28	2024.					
29	Total for Department of Veterans Services.....				\$1,129,000	\$3,794,789
30						\$6,447,370
31	Fund Sources: Federal Trust.....		\$0	\$2,173,789		
32				\$4,826,370		
33	Bond Proceeds.....		\$1,129,000	\$1,621,000		
34	C-62.	Not set out.				
35	C-63.	Not set out.				
36	C-63.10	Not set out.				
37	C-63.20	Not set out.				
38	TOTAL FOR OFFICE OF VETERANS AND				\$11,979,000	\$6,794,789
39	DEFENSE AFFAIRS.....					\$9,447,370
40						

ITEM C-63.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Fund Sources: Federal Trust.....	\$7,850,000	\$2,173,789	
2			\$4,826,370	
3	Bond Proceeds.....	\$4,129,000	\$4,621,000	
4	CENTRAL APPROPRIATIONS			
5	§ 2-9. CENTRAL CAPITAL OUTLAY (949)			
6	C-64. Not set out.			
7	C-65. Not set out.			
8	C-66. Planning: Detail Planning for Capital Projects			
9	(17968).....		\$1,517,750	\$14,150,000
10	Fund Sources: General.....	\$0	\$14,150,000	
11	Dedicated Special Revenue.....	\$1,517,750	\$0	
12	A. Included in the appropriation for this Item is \$1,517,750 the first year from the Central			
13	Capital Planning Fund (09650), established under authority of § 2.2-1520, Code of Virginia,			
14	and \$14,150,000 the second year from the general fund to be used for pre-planning and			
15	detailed planning of authorized projects.			
16	B. The following projects shall be funded for detailed planning from amounts in the Central			
17	Capital Planning Fund and such amounts are hereby appropriated.			
18	Agency	Agency Name	Project Title	
19	Code			
20	156	Department of State Police	Replace training academy at	
21			department headquarters	
22	156	Department of State Police	Replace Division 6	
23			Headquarters	
24	211	Virginia Military Institute	Construct Center for	
25			Leadership and Ethics Facility,	
26			Phase II	
27	213	Norfolk State University	Renovate / Replace Fine Arts	
28			Building	
29	215	University of Mary	Construct Fine and Performing	
30		Washington	Arts Center	
31	234	Cooperative Extension and	Renovate Summerseat for	
32		Agricultural Research Services	Urban Agriculture Center	
33	417	Gunston Hall	Construction of New	
34			Archaeology and Maintenance	
35			Facilities	
36	720	Department of Behavioral	Food Service Renovations	
37		Health and Developmental	Statewide	
38		Services		
39	720	Department of Behavioral	Eastern State Hospital Phase 4	
40		Health and Developmental		
41		Services		
42	799	Department of Corrections	Powhatan Infirmary	
43			Replacement	
44	799	Department of Corrections	Deerfield Correctional Center	
45			Expansion	
46	942	Virginia Museum of Natural	Construct satellite facility in	
47		History	Waynesboro, Virginia	

ITEM C-66.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	C. The Department of General Services is authorized to begin pre-planning to develop the				
2	state-owned property at 703 E. Main Street in Richmond, Virginia. No later than				
3	November 1, 2020, the Department shall submit to the Six-Year Capital Outlay Plan				
4	Advisory Committee its pre-planning documents, with capital costs for the development				
5	of the site.				
6	D. In accordance with Title 2.2, Chapter 15.1, Code of Virginia, each institution and				
7	agency shall submit its completed detailed planning documents to the Six-Year Capital				
8	Outlay Plan Advisory Committee for its review and recommendation. However, no				
9	planning documents pursuant to this item for the Construct Fine and Performing Arts				
10	Center at the University of Mary Washington, the Renovate / Replace Fine Arts Building				
11	at Norfolk State University or the Construct Center for Leadership and Ethics Facility,				
12	Phase II at Virginia Military Institute shall be submitted to the Governor or the General				
13	Assembly prior to July 1, 2022.				
14	E. Each agency and institution of higher education may use nongeneral funds to complete				
15	the pre-planning or detailed planning documents for projects authorized in this Item.				
16	F. In accordance with § 2.2-1520, Code of Virginia, the Director, Department of Planning				
17	and Budget, shall reimburse the Central Capital Planning Fund for the amounts provided				
18	for detailed planning when the project is funded to move into the construction phase.				
19	G. The Director of the Department of Planning and Budget shall transfer \$1,000,000 on				
20	July 1, 2020, from Item 402 of this act to supplement planning for the Deerfield				
21	Correctional Center Expansion project.				
22	<i>H.1. The Secretary of Public Safety and Homeland Security shall convene a workgroup to</i>				
23	<i>assess and provide recommendations for a long-term operating and capital plan for the</i>				
24	<i>provision of health care services to inmates held in secure correctional facilities operated</i>				
25	<i>by the Department of Corrections. The workgroup shall be comprised of the Secretary of</i>				
26	<i>Public Safety and Homeland Security or their designees; the Secretary of Health and</i>				
27	<i>Human Resources or their designees; the Director, Department of Planning and Budget</i>				
28	<i>or their designees; the Staff Directors of the House Appropriations Committee and Senate</i>				
29	<i>Finance and Appropriations Committee or their designees; the Director, Department of</i>				
30	<i>Corrections or their designees; and the Director, Department of General Services or their</i>				
31	<i>designees.</i>				
32	<i>2. The workgroup shall assess plans produced by the Department of Corrections to</i>				
33	<i>provide health services to inmates held in secure correctional facilities operated by the</i>				
34	<i>Department. This shall include an assessment of plans produced by the Department to</i>				
35	<i>assume operation of all health care services provided in facilities, necessary services to be</i>				
36	<i>provided by contract either on-site or off-site, and the long-term capital needs for the</i>				
37	<i>Department to effectuate such operating plans. The assessment shall also consider the</i>				
38	<i>costs and benefits of the provision of health care services within secure correctional</i>				
39	<i>centers by vendors contracted by the Department, to include: i) an analysis of the</i>				
40	<i>transition from management by a third-party vendor to management directly by the</i>				
41	<i>Department for facilities that transitioned management in fiscal year 2022 and fiscal year</i>				
42	<i>2023, including actual and projected costs, as well as filled and vacant positions; and, ii)</i>				
43	<i>an analysis of cost drivers for the provision of inmate healthcare, including factors such</i>				
44	<i>as inflation, utilization, compensation, and the costs of goods and services.</i>				
45	<i>The assessment shall include consideration of the Department's plan for using the 722-</i>				
46	<i>acre property at 3500 Beaumont Road in Powhatan County, previously known as the</i>				
47	<i>Beaumont Juvenile Correctional Center, as a consolidated medical facility for state-</i>				
48	<i>responsible inmates and describe how the facility will support the planned transition of</i>				
49	<i>medical service delivery to a state-managed model. The assessment shall also include</i>				
50	<i>information on other potential state needs and uses for the Beaumont property, and</i>				
51	<i>justification stating the reasons the expansion of the medical facility at Deerfield</i>				
52	<i>Correctional Facility and the replacement of Powhatan Infirmary (authorized in Chapter</i>				
53	<i>552, 2021 Acts of Assembly, Special Session I) are no longer feasible to address the</i>				
54	<i>Department's infirmary and long-term care needs.</i>				
55	<i>3. The Secretary or his designee shall present the workgroup's assessment, including its</i>				
56	<i>recommendations for future utilization of the Beaumont property, the medical facility at</i>				

ITEM C-66.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Deerfield Correctional Facility, and Powhatan Infirmary, to the Six-Year Capital Outlay Plan				
2	Advisory Committee (Committee) and include feedback from the Committee in the				
3	workgroup's final report.				
4	4. The workgroup shall report the findings of its assessment, and its recommendations, to the				
5	Governor and Chairs of the House Committee on Appropriations and Senate Committee on				
6	Finance and Appropriations no later than November 15, 2022.				
7	5. The Department shall not proceed with the Deerfield Correctional Center Expansion or				
8	Powhatan Infirmary Replacement planning projects.				
9	C-66.10	Omitted.			
10	C-67.	Not set out.			
11	C-68.	Not set out.			
12	C-68.50	2021 Capital Construction Pool (18540).....			\$0 \$12,981,771
13	Fund Sources: General.....		\$0	\$1,242,850	
14	Bond Proceeds.....		\$0	\$11,738,921	
15	A. 1. The capital projects in paragraph C of this Item are hereby authorized and may be				
16	financed in whole or in part through bonds of the Virginia College Building Authority				
17	pursuant to § 23.1-1200 et seq., Code of Virginia, or the Virginia Public Building Authority				
18	pursuant to § 2.2-2263 et seq., Code of Virginia. Bonds of the Virginia College Building				
19	Authority issued to finance these projects may be sold and issued under the 21st Century				
20	College Program at the same time with other obligations of the Authority as separate issues or				
21	as a combined issue. The aggregate principal amounts shall not exceed \$11,738,921 plus				
22	amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to				
23	and during the acquisition or construction and for one year after completion thereof, and other				
24	financing expenses, in accordance with § 2.2-2263, Code of Virginia.				
25	2. From the list of projects included in paragraph C. of this Item, the Director, Department of				
26	Planning and Budget, shall provide to the Chairmen of the Virginia College Building				
27	Authority and the Virginia Public Building Authority the specific projects, as well as the				
28	amounts for these projects, to be financed by each authority within the dollar limit established				
29	by this authorization.				
30	3. Debt service on the projects contained in this Item shall be provided from appropriations to				
31	the Treasury Board.				
32	4. The appropriations for the capital projects in this Item are subject to the conditions in § 2.0				
33	F. of this act.				
34	B. In addition to the appropriation and bond authorization authorized by this Item, the				
35	Director, Department of Planning and Budget, shall transfer unutilized Virginia College				
36	Building Authority (VCBA) and Virginia Public Building Authority (VPBA) bond				
37	authorization and appropriation from the projects listed below, in the amounts shown, to this				
38	project for funding the projects listed in paragraph C:				
39	Agency No.	Project No.	Issuing Authority	Initial Authorization	Amount
40	260	17375	VCBA	Item C-174, Chapter 3,	\$4,010.60
41				2006 Acts of Assembly,	
42				Special Session I	
43	260	17116	VCBA	Item C-108.40, Chapter	\$537.12
44				4, 2004 Acts of	
45				Assembly, Special	
46				Session I	
47	777	15837	VPBA	Item C-71, Chapter 912,	\$636,708.37
48				1996 Acts of Assembly,	
49				as amended in Item C-	
50				131, Chapter 935, 1999	

ITEM C-68.50.				Item Details(\$)		Appropriations(\$)	
				First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1					Acts of Assembly, and		
2					Item C-182, Chapter		
3					814, 2002 Acts of		
4					Assembly		
5	777	15206	VPBA		Item C-69, Chapter 912,		\$58,342.65
6					1996 Acts of Assembly,		
7					as amended in Item C-		
8					130, Chapter 464, 1998		
9					Acts of Assembly, Item		
10					C-181, Chapter 1073,		
11					2000 Acts of Assembly;		
12					Item C-123.35, Chapter		
13					1042, 2003 Acts of		
14					Assembly, and Item C-		
15					166, Chapter 4, 2004		
16					Acts of Assembly,		
17					Special Session I		
18	799	16426	VPBA		Item C-164, Chapter		\$82,114.22
19					1073, 2000 Acts of		
20					Assembly, as amended		
21					in Item C-122.45,		
22					Chapter 1042, 2003		
23					Acts of Assembly, Item		
24					C-273, Chapter 547,		
25					2007 Acts of Assembly,		
26					and Item C-119,		
27					Chapter 879, 2008 Acts		
28					of Assembly		
29	799	17613	VPBA		Item C-129, Chapter		\$135,365.64
30					879, 2008 Acts of		
31					Assembly		

C. There is hereby appropriated \$11,738,921 the first year from bond proceeds of the Virginia College Building Authority or the Virginia Public Building Authority and \$1,242,850 the first year from the general fund to provide funds for the construction and other capital costs of the following projects:

Agency Code	Agency Title	Project Title
203	Wilson Workforce and Rehabilitation Center	Emergency Replacement of HVAC System Mary Switzer Building
213	Norfolk State University	Acquire / Renovate Pre-School Academy
238	Virginia Museum of Fine Arts	Replace Life and Safety Components
274	Eastern Virginia Medical School	Replace Two Hofheimer Hall Air Handling Units
274	Eastern Virginia Medical School	Install Lewis Hall Emergency Generator
417	Gunston Hall	Reconstruct East Yard Enslaved Quarter
702	Department for the Blind and Vision Impaired	Replace Roof, Virginia Industries for the Blind, Charlottesville Plant

D. The authorization provided under Chapter 759 / 769, 2016 Acts of Assembly for bond funding from the Virginia College Building Authority for Virginia Commonwealth University Center capital project 18205, Construct Commonwealth Center for Advanced Logistics Systems (CCALS), is rescinded.

E. In addition to the appropriation and bond authorization authorized by this item, the Director, Department of Planning and Budget, shall transfer unutilized Virginia College Building Authority (VCBA) bond authorization and appropriation from the projects listed

ITEM C-68.50.	Item Details(\$)		Appropriations(\$)		
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
1	below, in the amounts shown, to this project for funding the projects listed in paragraph F:				
2	Agency No.	Project No.	Issuing Authority	Initial Authorization	Amount
3	236	18205	VCBA	§ 2, Chapters 759 and	\$19,000,000
4				769, 2016 Acts of	
5				Assembly	
6	F. 1. a. Upon certification from the Virginia Economic Development Partnership that an				
7	agreement has been reached with the Economic Development Authority and Rolls-Royce				
8	Crosspointe LLC, the Department of General Services is hereby authorized \$12,120,000 the				
9	first year from bond proceeds of the Virginia Public Building Authority to provide funds for				
10	the acquisition of the Commonwealth Center for Advanced Manufacturing (CCAM).				
11	b. The Department of General Services ("DGS") is directed and fully funded from the				
12	proceeds totaling \$12,120,000 of the Virginia College Building Authority identified in				
13	Paragraph E. of this Item to acquire the Commonwealth Center for Advanced Manufacturing				
14	("CCAM") property (the "Property") from the University of Virginia Foundation (the				
15	"Foundation"), on terms acceptable to DGS (the "Acquisition"). DGS may acquire the				
16	Property subject to an EDA grant award and conditions for award No. 01-0108998 ("Grant")				
17	and any associated mortgage ("Mortgage"), including without limitation the mortgage				
18	recorded in the Prince George County Clerk's Office as Instrument #110003537, pursuant to				
19	which Mortgage the EDA is authorized to foreclose to gain title to the Property in the event of				
20	a default under the Grant. DGS is authorized and directed to proceed with the Acquisition				
21	with the remedies allowed in the Grant and Mortgage, including, but not limited to a right of				
22	foreclosure under the Mortgage and the right to demand payment under the Grant.				
23	CCAM, the Commonwealth Center for Advanced Logistics Systems (should it become a tenant				
24	in the Property) ("CCALS"), and any other tenant in the Property, shall work with DGS to				
25	further the purpose of the Grant and Mortgage and keep the Property in compliance with the				
26	Grant and Mortgage. Any lease to any tenant of the Property shall be on terms and conditions				
27	acceptable to DGS and all tenants shall cooperate with DGS (i) in negotiating a lease				
28	acceptable to DGS and (ii) during the term of any such lease, to ensure that, among other				
29	things, the tenant shall not cause a default under the terms of any such lease, the Grant, or				
30	Mortgage. Tenants of the Property shall comply with DGS' building occupancy and use				
31	requirements, including any tenant financial obligations and building operational procedures.				
32	CCALS and any entities operating within the Property prior to the Acquisition, including but				
33	not limited to CCAM, shall execute a lease with DGS prior to the Acquisition, to be held in				
34	escrow pending completion of the Acquisition.				
35	DGS expenses to complete the Acquisition and negotiate tenant leases shall be funded from				
36	the funding authorized by this section. Such funds will be deducted upon completion of the				
37	Acquisition.				
38	2. Virginia Commonwealth University is hereby authorized \$6,880,000 the first year from				
39	bond proceeds of the Virginia College Building Authority to provide funds for the support				
40	acquisition and installation of High-Performance Computing tools for the development of the				
41	Commonwealth Center for Cloud Computing (C4).				
42	G. The conditions required in order to receive the allocation from paragraph F. 2. of this item				
43	are:				
44	1. Virginia Commonwealth University shall convene a workgroup comprised of the				
45	University of Virginia, Virginia Tech, Old Dominion University, Virginia State University,				
46	Longwood University, and representatives from the Commonwealth Center for Advanced				
47	Manufacturing (CCAM) and the Commonwealth Center for Advanced Logistics for the				
48	expressed purpose of developing a plan for the Commonwealth Center for Cloud Computing				
49	(C4).				
50	2. The plan shall identify areas of research relevant to the C4, guiding principles to ensure				
51	continued collaboration between and among the partnering entities, opportunities for potential				
52	expansion of other institutions and entities, linkages with the Commonwealth Cyber Initiative,				
53	the Cyber Range and the Greater Washington Partnership, operational cost estimates and cost				
54	sharing strategies between and among the partnering institutions and entities to include				
55	potential for leveraging private sector partnerships.				

ITEM C-68.50.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	3. The workgroup shall submit the report by December 1, 2021 to the Chairs of the House				
2	Appropriations and Senate Finance and Appropriations Committees and the Governor.				
3	4. After adoption of the report by the General Assembly, the funding provided in				
4	paragraph F.2. shall be released to Virginia Commonwealth University to support the				
5	creation of the operations of the Commonwealth Center for Cloud Computing (C4).				
6	C-69. Supplement Previously Authorized Capital Project				
7	Construction Pools (18145).....			\$228,950,000	\$0
8	Fund Sources: General.....	\$0	\$0		
9	Bond Proceeds.....	\$228,950,000	\$0		
10	A.1. Included in this item is \$228,950,000 in bond appropriation which may be transferred				
11	between and among the capital project pools listed, or any project within a listed pool				
12	notwithstanding § 2.2-1519 E, in paragraph O. of § 2-0 of this act in order to address any				
13	shortfall in appropriation in one or more of such project pools or project, pursuant to the				
14	provisions of § 2-0, paragraph O., of this act. <i>The bond appropriation and</i> may be				
15	financed in whole or in part through bonds of the Virginia College Building Authority				
16	pursuant to § 23.1-1200 et seq., Code of Virginia, or the Virginia Public Building				
17	Authority pursuant to § 2.2-2260 et seq., Code of Virginia. Bonds of the Virginia College				
18	Building Authority issued to finance these projects may be sold and issued under the 21st				
19	Century College Program at the same time with other obligations of the Authority as				
20	separate issues or as a combined issue. The aggregate principal amount shall not exceed				
21	\$228,950,000 plus amounts needed to fund issuance costs, reserve funds, original issue				
22	discount, interest prior to and during the acquisition or construction and for one year after				
23	completion thereof, and other financing expenses, in accordance with § 2.2-2263, Code of				
24	Virginia.				
25	2. From the list of capital project pools included in paragraph O. of § 2-0 of this act, the				
26	Director, Department of Planning and Budget, shall provide to the Chairmen of the				
27	Virginia College Building Authority and the Virginia Public Building Authority the				
28	specific projects, as well as the amounts for these projects, to be financed by each				
29	authority within the dollar limit established by this authorization upon the transfer of any				
30	such appropriation in this Item.				
31	3. Included in this item is \$25,000,000 in bond appropriation is provided as a supplement				
32	to the Capital Complex Infrastructure and Security project authorized and funded in				
33	paragraph E.1 Item C-39.40, Chapter 1 of the 2014 Special Session I, Virginia Acts of				
34	Assembly, for additional scope and security improvements.				
35	4. Included in this item is \$28,250,000 in bond appropriation provided as a supplement to				
36	the "Virginia Institute of Marine Science, Construct New Research Facility" project				
37	previously authorized in Enactment 1, §2 of Chapters 759 and 769, 2016 Acts of				
38	Assembly, as "Virginia Institute of Marine Science, Replace Mechanical Systems and				
39	Repair Building Envelope of Chesapeake Bay Hall" in order to replace the existing				
40	Chesapeake Hall, for which a renovation is no longer a viable alternative, with a				
41	comparable sized new facility. Additional funding for the revised scope and cost is				
42	contained in this item.				
43	5. Included in this item is up to \$30,000,000 in bond appropriation provided as a				
44	supplement to the "Construct Life Sciences and Engineering Building/Renovate Bull Run				
45	Hall, Prince William (18000)" project previously authorized in Item C-39.40, Chapter 806,				
46	2013 Acts of Assembly, as "George Mason University, Construct Life Sciences Building,				
47	Prince William (Construct Bull Run Hall IIIB Addition)" in order to provide for an				
48	additional floor (33,000 SF) to the project. Additional funding for the revised scope and				
49	cost is contained in this item.				
50	6. Debt service on the projects contained in this Item shall be provided from				
51	appropriations to the Treasury Board.				
52	7. The appropriations in this Item are subject to the conditions in § 2-0 F. of this act.				
53	C-69.50 Omitted.				

ITEM C-69.50.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	C-69.60	2022 Capital Supplement Pool (18646).....		\$0	\$350,000,000
2	Fund Sources: General.....		\$0	\$350,000,000	
3	A.1. Included in this item is \$350,000,000 the second year from the general fund that is				
4	designated for project supplements to address shortfalls for projects that (i) were previously				
5	authorized to proceed to construction; (ii) have satisfied the requirements of § 2.2-1519 C.				
6	and E.2., Code of Virginia; and, (iii) have received a funding report from the Department of				
7	General Services prior to April 1, 2022. Specific project allocations for transfer from this				
8	item shall be based upon recommendations from the Department of General Services. A				
9	transfer authorized by this subsection may only be effectuated if (i) the Director of the				
10	Department of Planning and Budget provides notice of the amount and purpose of any such				
11	proposed transfer to the Six Year Capital Outlay Plan Advisory Committee; and, (ii) no				
12	member of the committee or their designee objects, in writing or via email, to the transfer				
13	within 14 days of receiving such notice. If an objection is received, the committee may discuss				
14	such proposed transfer at its next meeting and vote as to whether to recommend such transfer.				
15	2. Projects that comply with paragraphs (i) and (ii) of paragraph A.1. of this item but have				
16	not received a funding report as of April 1, 2022, may, upon recommendation by the				
17	Department of General Services and approval by all members of Advisory Committee, receive				
18	a supplemental allocation from this item within the limits of the 105 percent cost threshold set				
19	forth in § 2.2-1519 E.1.				
20	3. Supplemental amounts determined in accordance with paragraph A.1. and A.2. of this item				
21	shall be adjusted to match the proportion of a project's total cost supported by general fund				
22	as set forth in the funding letter.				
23	4. After receiving funds from this item, projects shall comply with the provisions of paragraph				
24	K. of § 2.0 of this act.				
25	C-70.	Improvements: Local Water Quality and Supply			
26		Projects (18050).....		\$125,000,000	\$0
27		Fund Sources: Bond Proceeds.....	\$125,000,000	\$0	
28	A. The Virginia Public Building Authority, pursuant to § 2.2-2260 et seq., Code of Virginia,				
29	is authorized to issue bonds in a principal amount not to exceed \$125,000,000, plus amounts				
30	needed to fund issuance costs, reserve funds, original issue discount, interest prior to and				
31	during the acquisition or construction and for one year after completion thereof, and other				
32	financing expenses, to finance the costs of the projects described in paragraph C. of this Item.				
33	B. Debt service on bonds issued under the authorization in this Item shall be provided from				
34	appropriations to the Treasury Board.				
35	C. 1. Stormwater Local Assistance Fund. From the appropriation and bond authorization				
36	provided in this Item, up to \$50,000,000 of the bond proceeds shall be provided to the				
37	Department of Environmental Quality for the Stormwater Local Assistance Fund, established				
38	in accordance with the provisions of Item 379 of this Act. In accordance with the purpose of				
39	the Fund set out in Item 379, the bond proceeds shall be used to provide grants solely for				
40	capital projects meeting all pre-requirements for implementation, including but not limited to:				
41	i) new stormwater best management practices; ii) stormwater best management practice				
42	retrofits; iii) stream restoration; iv) low impact development projects; v) buffer restoration; vi)				
43	pond retrofits; and vii) wetlands restoration. Such grants shall be in accordance with				
44	eligibility determinations made by the State Water Control Board under the authority of the				
45	Department of Environmental Quality.				
46	2. a. Combined Sewer Overflow Matching Fund. From the appropriation and bond				
47	authorization provided in this Item, up to \$25,000,000 of the bond proceeds shall be provided				
48	to the Department of Environmental Quality for the Combined Sewer Overflow Matching				
49	Fund, established pursuant to § 62.1-242.12, Code of Virginia. These bond proceeds shall be				
50	used by the Virginia Resources Authority and the State Water Control Board to make a grant				
51	to the City of Alexandria, Virginia Sanitation Authority to pay a portion of the capital costs of				
52	its combined sewer overflow control project. Disbursements from these proceeds shall be				
53	authorized by the State Water Control Board, under the authority of the Department of				

ITEM C-70.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Environmental Quality, and administered by the Virginia Resources Authority through the				
2	Combined Sewer Overflow Matching Fund.				
3	b. The appropriation in paragraph C.2.a. is the second of three allocations for the				
4	Combined Sewer Overflow for the City of Alexandria. It is the intent of the General				
5	Assembly to provide the third and final allocation in the 2022-2024 biennium.				
6	3. Nutrient Removal Grants. From the appropriation and bond authorization provided in				
7	this Item, up to \$50,000,000 of the bond proceeds shall be provided to the Department of				
8	Environmental Quality to reimburse entities as provided in § 10.1-2117 et seq., Code of				
9	Virginia, considered as eligible Significant and Non-Significant Dischargers in the				
10	Chesapeake Bay watershed for capital costs incurred for the design and installation of				
11	nutrient removal technology. Such reimbursements shall be in accordance with eligibility				
12	determinations made by the Department of Environmental Quality pursuant to the				
13	provisions of this act and Chapter 21.1 of Title 10.1, Code of Virginia, including but not				
14	limited to the qualifications of projects for Virginia Water Quality Improvement Grants as				
15	set forth in §§ 10.1-2129, 10.1-2130, and 10.1-2131, Code of Virginia, and in written				
16	guidelines developed by the Secretary of Natural Resources in accordance with § 10.1-				
17	2129, Code of Virginia.				
18	D. The appropriation in this Item is subject to the conditions of § 2-0 F. of this act.				
19	E. Except as provided in paragraph D. of this Item, the provisions of §§ 2-0 and 4-4.01 of				
20	this act and the provisions of § 2.2-1132, Code of Virginia, shall not apply to the projects				
21	supported by this Item.				
22	C-70.50 Not set out.				
23	C-71. Improvements: Workforce Development Projects				
24	(18418).....			\$13,600,000	\$8,500,000
25					\$29,200,000
26	Fund Sources: <i>General</i>	\$0	\$20,700,000		
27	Bond Proceeds.....	\$13,600,000	\$8,500,000		
28	A. 1. The Virginia College Building Authority, pursuant to § 23.1-1200 et seq., Code of				
29	Virginia, is authorized to issue bonds in a principal amount not to exceed \$22,100,000				
30	plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest				
31	prior to and during the acquisition or construction and for one year after completion				
32	thereof, and other financing expenses, to finance the capital costs of the project for which				
33	the appropriation in this Item is provided.				
34	2. Debt service on bonds issued under the authorization in this Item shall be provided from				
35	appropriations to the Treasury Board.				
36	3. <i>In addition to the bond authorization and appropriation in this Item is included</i>				
37	<i>\$20,700,000 the second year from the general fund.</i>				
38	B. Funds from this Item shall be allocated in accordance with signed Memorandums of				
39	Understanding under the provisions established in §23.1-1239 through §23.1-1243, Code				
40	of Virginia, and shall be used to support the efforts of qualified institutions to increase by				
41	fiscal year 2039 the number of new eligible degrees by at least 25,000 more degrees than				
42	the number of such degrees awarded in 2018 and to improve the readiness of graduates to				
43	be employed in technology-related fields and fields that align with traded-sector growth				
44	opportunities identified by the Virginia Economic Development Partnership.				
45	C-72. Not set out.				
46	C-72.10 Omitted.				
47	C-72.50 Not set out.				
48	C-72.60 Not set out.				

ITEM C-72.70.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	C-72.70	Not set out.			
2	C-73.	Not set out.			
3	C-74.	Not set out.			
4	C-75.	Not set out.			
5	C-76.	Not set out.			
6	C-76.10	Not set out.			
7	C-76.20	A. The Director, Department of Planning and Budget, shall transfer on or before June 30, 2022, unutilized Virginia College Building Authority (VCBA) bond authorization and appropriation from the projects listed below and in the amounts shown to the 2016 VCBA Capital Construction Pool project 18301, as authorized in § 2, Chapters 759 and 769, 2016 Acts of Assembly and amended by Item C-48, Chapter 2, 2018 Acts of Assembly, Special Session I:			
8					
9					
10					
11					
12					
13		Agency No.	Project No.	Issuing Authority	Initial Authorization
14		207	18291	VCBA	Item C-52.10, Chapter
15					780, 2016 Acts of
16					Assembly
17					
18					B. The Director, Department of Planning and Budget, shall transfer on or before June 30,
19					2022, unutilized Virginia Public Building Authority (VPBA) bond authorization and
20					appropriation from the projects listed below and in the amounts shown to the 2016 VPBA
21					Capital Construction Pool project 18300, as authorized in § 1, Chapters 759 and 769, 2016
22					Acts of Assembly and amended by Item C-47, Chapter 2, 2018 Acts of Assembly, Special
					Session I:
23		Agency No.	Project No.	Issuing Authority	Initial Authorization
24		720	17733	VPBA	C-103.05, Chapter 781,
25					2009 Acts of Assembly
26					
27					
28					
29					
30					
31					
32					
33					
34	C-77.	Not set out.			
35	C-78.	Not set out.			
36					
37					
38					
39					
40					
41					
42					
43					
26		Total for Central Capital Outlay.....		\$1,867,744,167	\$280,168,021
27					\$650,868,021
28		Fund Sources: General.....		\$0	\$203,142,850
29					\$573,842,850
30		Special.....		\$35,000,000	\$0
31		Dedicated Special Revenue.....		\$40,951,750	\$0
32		Federal Trust.....		\$17,015,317	\$0
33		Bond Proceeds.....		\$1,774,777,100	\$77,025,171
34	C-77.	Not set out.			
35	C-78.	Not set out.			
36					
37					
38					
39					
40					
41					
42					
43					
36		TOTAL FOR CENTRAL APPROPRIATIONS.....		\$1,867,744,167	\$280,168,021
37					\$650,868,021
38		Fund Sources: General.....		\$0	\$203,142,850
39					\$573,842,850
40		Special.....		\$35,000,000	\$0
41		Dedicated Special Revenue.....		\$40,951,750	\$0
42		Federal Trust.....		\$17,015,317	\$0
43		Bond Proceeds.....		\$1,774,777,100	\$77,025,171

ITEM C-78.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	TOTAL FOR EXECUTIVE DEPARTMENT.....			\$3,164,989,842	\$654,206,547
2					\$1,041,789,128
3	Fund Sources: General.....	\$1,800,000	\$236,882,850		
4			\$618,318,850		
5	Special.....	\$206,945,020	\$72,506,000		
6			\$74,090,000		
7	Higher Education Operating.....	\$73,201,736	\$8,843,771		
8			\$10,753,771		
9	Commonwealth Transportation.....	\$58,671,839	\$63,500,000		
10	Trust and Agency.....	\$198,717	\$3,000,000		
11	Dedicated Special Revenue.....	\$50,311,941	\$8,775,000		
12	Federal Trust.....	\$43,977,427	\$15,923,789		
13			\$18,576,370		
14	Bond Proceeds.....	\$2,729,883,162	\$244,775,137		
15	INDEPENDENT AGENCIES				
16	C-79. Not set out.				
17	TOTAL FOR INDEPENDENT AGENCIES.....			\$21,600,000	\$0
18	Fund Sources: Special.....	\$21,497,962	\$0		
19	Dedicated Special Revenue.....	\$102,038	\$0		
20	TOTAL FOR PART 2: CAPITAL PROJECT				
21	EXPENSES.....			\$3,186,589,842	\$654,206,547
22					\$1,041,789,128
23	Fund Sources: General.....	\$1,800,000	\$236,882,850		
24			\$618,318,850		
25	Special.....	\$228,442,982	\$72,506,000		
26			\$74,090,000		
27	Higher Education Operating.....	\$73,201,736	\$8,843,771		
28			\$10,753,771		
29	Commonwealth Transportation.....	\$58,671,839	\$63,500,000		
30	Trust and Agency.....	\$198,717	\$3,000,000		
31	Dedicated Special Revenue.....	\$50,413,979	\$8,775,000		
32	Federal Trust.....	\$43,977,427	\$15,923,789		
33			\$18,576,370		
34	Bond Proceeds.....	\$2,729,883,162	\$244,775,137		

PART 3: MISCELLANEOUS**§ 3-1.00 TRANSFERS****§ 3-1.01 INTERFUND TRANSFERS**

A.1. In order to reimburse the general fund of the state treasury for expenses herein authorized to be paid therefrom on account of the activities listed below, the State Comptroller shall transfer the sums stated below to the general fund from the nongeneral funds specified, except as noted, on January 1 of each year of the current biennium. Transfers from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of the quarter. The payment for the fourth quarter of each fiscal year shall be made in the month of June.

	FY 2021	FY 2022
1. Alcoholic Beverage Control Enterprise Fund (§ 4.1-116, Code of Virginia)		
a) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from Alcoholic Beverage Control gross profits)	\$65,375,769	\$65,375,769
b) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from gross wine liter tax collections as specified in § 4.1-234, Code of Virginia)	\$9,141,363	\$9,141,363
2. Forest Products Tax Fund (§ 58.1-1609, Code of Virginia)	\$23,613	\$23,613
For collection by Department of Taxation		
3. Peanut Fund (§3.2-1906, Code of Virginia)	\$2,419	\$2,419
4. For collection by Department of Taxation		
a) Aircraft Sales & Use Tax (§ 58.1-1509, Code of Virginia)	\$39,169	\$39,169
b) Soft Drink Excise Tax	\$1,596	\$1,596
c) Virginia Litter Tax	\$9,472	\$9,472
5. Proceeds of the Tax on Motor Vehicle Fuels		
For inspection of gasoline, diesel fuel and motor oils	\$97,586	\$97,586
6. Virginia Retirement System (Trust and Agency)		
For postage by the Department of the Treasury	\$34,500	\$34,500
7. Alcoholic Beverage Control Authority (Enterprise)		
For services by the:		
a) Auditor of Public Accounts	\$75,521	\$75,521
b) Department of Accounts	\$64,607	\$64,607
c) Department of the Treasury	\$47,628	\$47,628
TOTAL	\$74,913,243	\$74,913,243

2.a. Transfers of net profits from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of each quarter. The transfer of fourth quarter profits shall be estimated and made in the month of June. In the event actual net profits are less than the estimate transferred in June, the difference shall be deducted from the net profits of the next quarter and the resulting sum transferred to the general fund. Distributions to localities shall be made within fifty (50) days of the close of each quarter. Net profits are estimated at \$159,500,745 the first year and ~~\$144,900,000~~ 161,900,000 the second year.

b. Notwithstanding the provisions of § 4.1-116 B, Code of Virginia, the Alcoholic Beverage Control Authority shall properly record the depreciation of all depreciable assets, including approved projects, property, plant and equipment. The State Comptroller shall be notified of the amount of depreciation costs recorded by the Alcoholic Beverage Control Authority. However, such depreciation costs shall not be the basis for reducing the quarterly transfers needed to meet the estimated profits contained in this act.

B.1. If any transfer to the general fund required by any subsections of §§ 3-1.01 through 3-6.04 is subsequently determined to be in violation of any federal statute or regulation, or Virginia constitutional requirement, the State Comptroller is hereby directed to reverse such transfer and to return such funds to the affected nongeneral fund account.

2. There is hereby appropriated from the applicable funds such amounts as are required to be refunded to the federal government for mutually agreeable resolution of internal service fund over-recoveries as identified by the U. S. Department of Health and Human Services' review of the annual Statewide Indirect Cost Allocation Plans.

C. In order to fund such projects for improvement of the Chesapeake Bay and its tributaries as provided in § 58.1-2289 D, Code of Virginia, there is hereby transferred to the general fund of the state treasury the amounts listed below. From these amounts \$2,583,531 the first year and \$2,583,531 the second year shall be deposited to the Virginia Water Quality Improvement Fund pursuant to § 10.1-2128.1, Code of Virginia, and designated for deposit to the reserve fund, for ongoing improvements of the Chesapeake Bay and its tributaries. The Department of Motor Vehicles shall be responsible for effecting the provisions of this paragraph. The amounts listed below shall be transferred on June 30 of each fiscal year.

154	Department of Motor Vehicles	\$10,000,000	\$10,000,000
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D. The provisions of Chapter 6 of Title 58.1, Code of Virginia notwithstanding, the State Comptroller shall transfer to the general fund from the special fund titled "Collections of Local Sales Taxes" a proportionate share of the costs attributable to increased local sales and use tax compliance efforts, the Property Tax Unit, and State Land Evaluation Advisory Committee (SLEAC) services by the Department of Taxation estimated at \$6,202,002 the first year and \$6,154,452 the second year.

E. The State Comptroller shall transfer to the general fund from the Transportation Trust Fund a proportionate share of the costs attributable to increased sales and use tax compliance efforts and revenue forecasting for the Commonwealth Transportation Fund by the Department of Taxation estimated at \$2,993,308 the first year and \$3,015,689 the second year.

F.1. On or before June 30 of each year, the State Comptroller shall transfer \$12,287,244 the first year and \$12,287,244 the second year to the general fund the following amounts from the agencies and fund sources listed below, for expenses incurred by central service agencies:

Agency Name	Fund Group	FY 2021	FY 2022
Administration of Health Insurance (149)	0500	\$618,420	\$618,420
Department of Forestry (411)	0200	\$5,303	\$5,303
Department of Forestry (411)	0900	\$312	\$312
Department of Professional and Occupational Regulations (222)	0200	\$5,023	\$5,023
Tobacco Region Revitalization Commission (851)	0900	\$19,411	\$19,411
Southwest Virginia Higher Education Center	0200	\$9,535	\$9,535

1	(948)			
2	The Science Museum of	0200	\$25,000	\$25,000
3	Virginia (146)			
4	Virginia Museum of Fine	0200	\$20,764	\$20,764
5	Arts (238)			
6	Virginia Museum of Fine	0500	\$14,344	\$14,344
7	Arts (238)			
8	Virginia Museum of	0200	\$1,176	\$1,176
9	Natural History (942)			
10	Board of Accountancy	0900	\$13,366	\$13,366
11	(226)			
12	Department for Aging	0200	\$41,215	\$41,215
13	and Rehabilitative			
14	Services (262)			
15	Department for the Deaf	0200	\$4,533	\$4,533
16	and Hard of Hearing			
17	(751)			
18	Department of Behavioral	0200	\$61,085	\$61,085
19	Health and			
20	Developmental Services			
21	(720)			
22	Department of Health	0900	\$123,687	\$123,687
23	(601)			
24	Virginia Foundation for	0900	\$16,548	\$16,548
25	Healthy Youth (852)			
26	State Corporation	0900	\$9,058	\$9,058
27	Commission (171)			
28	Virginia College Savings	0500	\$351,045	\$351,045
29	Plan (174)			
30	Board of Bar Examiners	0200	\$1,324	\$1,324
31	(233)			
32	Supreme Court (111)	0900	\$370,537	\$370,537
33	Department of	0200	\$111,878	\$111,878
34	Conservation and			
35	Recreation (199)			
36	Department of	0900	\$37,175	\$37,175
37	Conservation and			
38	Recreation (199)			
39	Department of Game and	0900	\$130,208	\$130,208
40	Inland Fisheries (403)			
41	Marine Resources	0900	\$2,525	\$2,525
42	Commission (402)			
43	Department of Criminal	0200	\$56,351	\$56,351
44	Justice Services (140)			

1	Department of Criminal	0900	\$1,153	\$1,153
2	Justice Services (140)			
3	Department of Fire	0200	\$106,205	\$106,205
4	Programs (960)			
5	Division of Community	0900	\$17,156	\$17,156
6	Corrections (767)			
7	Department of Aviation	0400	\$79,561	\$79,561
8	(841)			
9	Department of Motor	0400	\$3,878,102	\$3,878,102
10	Vehicles (154)			
11	Department of Rail and	0400	\$740,647	\$740,647
12	Public Transportation			
13	(505)			
14	Department of	0400	\$5,128,092	\$5,128,092
15	Transportation (501)			
16	Motor Vehicle Dealer	0200	\$16,447	\$16,447
17	Board (506)			
18	Virginia Port Authority	0200	\$172,599	\$172,599
19	(407)			
20	Virginia Port Authority	0400	\$86,102	\$86,102
21	(407)			
22	Department of Military	0900	\$11,357	\$11,357
23	Affairs (123)			
24			\$12,287,244	\$12,287,244

25 2. Following the transfers authorized in paragraph F.1. of this section in the each year, the State Comptroller shall transfer
 26 \$2,787,795 each year back to the Department of Motor Vehicles to replace the anticipated loss of driving privilege
 27 reinstatement fee revenue.

28 G.1. The State Comptroller shall transfer to the Lottery Proceeds Fund established pursuant to § 58.1-4022.1, Code of Virginia,
 29 an amount estimated at \$708,231,123 the first year and \$690,903,334 the second year, from the Virginia Lottery
 30 Fund. The transfer each year shall be made in two parts: (1) on or before January 1 of each year, the State Comptroller shall
 31 transfer from the Virginia Lottery Fund the estimated profits generated the balance of the Virginia Lottery Fund for the first five
 32 months of the fiscal year and (2) thereafter, the transfer of estimated profits will be made on a monthly basis, or until the
 33 amount estimated at \$708,231,123 the first year and \$690,903,334 the second year has been transferred to the
 34 Lottery Proceeds Fund. The final annual transfer of profits necessary to reach the annual estimate noted in this section, not to
 35 exceed the amounts estimated in this paragraph, shall be initiated no later than Prior to June 20 of each year, the Virginia
 36 Lottery Executive Director shall estimate the amount of profits in the Virginia Lottery Fund for the month of June and shall
 37 notify the State Comptroller so that the estimated profits can be transferred to the Lottery Proceeds Fund prior to June 22.

38 2. No later than 10 days after receipt of the annual audit report required by § 58.1-4022.1, Code of Virginia, the State
 39 Comptroller shall transfer to the Lottery Proceeds Fund the remaining audited balances of the Virginia Lottery Fund profits for
 40 the prior fiscal year. If such annual audit discloses that the actual revenue is was less than the estimate on which the June total
 41 transfer of estimated profits for the year was based, the State Comptroller shall adjust the next monthly transfer from the
 42 Virginia Lottery Fund to account for the difference between the actual revenue and the estimate transferred to the Lottery
 43 Proceeds Fund. The State Comptroller shall take all actions necessary to effect the transfers required by this paragraph,
 44 notwithstanding the provisions of § 58.1-4022, Code of Virginia. In preparing the Comprehensive Annual Financial Report, the
 45 State Comptroller shall report the Lottery Proceeds Fund as specified in § 58.1-4022.1, Code of Virginia.

46 H.1. The State Treasurer is authorized to charge up to 20 basis points for each nongeneral fund account which he manages and
 47 which receives investment income. The assessed fees, which are estimated to generate \$3,000,000 the first year and \$3,000,000
 48 the second year, will be based on a sliding fee structure as determined by the State Treasurer. The amounts shall be paid into
 49 the general fund of the state treasury.

2.a. The State Treasurer is authorized to charge institutions of higher education participating in the pooled bond program of the Virginia College Building Authority an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected from the public institutions of higher education, which are estimated to generate \$100,000 the first year and \$100,000 the second year, shall be paid into the general fund of the state treasury.

3. The State Treasurer is authorized to charge agencies, institutions and all other entities that utilize alternative financing structures and require Treasury Board approval, including capital lease arrangements, up to 10 basis points of the amount financed in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected shall be paid into the general fund of the state treasury.

4. The State Treasurer is authorized to charge projects financed under Article X, Section 9(c) of the Constitution of Virginia, an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected are estimated to generate \$50,000 the first year and \$50,000 the second year, and shall be paid into the general fund of the state treasury.

I. The State Comptroller shall transfer to the general fund of the state treasury 50 percent of the annual reimbursement received from the Manville Property Damage Settlement Trust for the cost of asbestos abatement at state-owned facilities. The balance of the reimbursement shall be transferred to the state agencies that incurred the expense of the asbestos abatement.

J. The State Comptroller shall transfer to the general fund from the Revenue Stabilization Fund in the state treasury any amounts in excess of the limitation specified in § 2.2-1829, Code of Virginia.

K.1. Not later than 30 days after the close of each quarter during the biennium, the State Comptroller shall transfer, notwithstanding the allotment specified in § 58.1-1410, Code of Virginia, funds collected pursuant to § 58.1-1402, Code of Virginia, from the general fund to the Game Protection Fund. This transfer shall not exceed \$5,500,000 the first year and \$5,500,000 the second year.

2. Notwithstanding the provisions of subparagraph K.1. above, the Governor may, at his discretion, direct the State Comptroller to transfer to the Game Protection Fund, any funds collected pursuant to § 58.1-1402, Code of Virginia, that are in excess of the official revenue forecast for such collections.

L.1. On or before June 30 each year, the State Comptroller shall transfer from the general fund to the Family Access to Medical Insurance Security Plan Trust Fund the amount required by § 32.1-352, Code of Virginia. This transfer shall not exceed \$14,065,627 the first year and \$14,065,627 the second year. The State Comptroller shall transfer 90 percent of the yearly estimated amounts to the Trust Fund on July 15 of each year.

2. Notwithstanding any other provision of law, interest earnings shall not be allocated to the Family Access to Medical Insurance Security Plan Trust Fund (agency code 602, fund detail 0903) in either the first year or the second year of the biennium.

M. Not later than thirty days after the close of each quarter during the biennium, the State Comptroller shall transfer to the Game Protection Fund the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia. Notwithstanding § 58.1-638 E, this transfer shall not exceed \$11,000,000 the first year and \$11,000,000 the second year. Notwithstanding § 58.1-638 E, on or before June 30 of the first year and June 30 of the second year, the State Comptroller shall transfer to the Virginia Port Authority \$1,500,000 of the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia, to enhance and improve recreation opportunities for boaters, including but not limited to land acquisition, capital projects, maintenance, and facilities for boating access to the waters of the Commonwealth pursuant to the provisions of Senate Bill 693, 2018 Session of the General Assembly.

N.1. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Indemnification and Community Revitalization Fund to the general fund an amount estimated at \$244,268 the first year and \$244,268 the second year. This amount represents the Tobacco Indemnification and Community Revitalization Commission's 50 percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

2. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Settlement Fund to the general fund an amount estimated at \$48,854 the first year and \$48,854 the second year. This amount represents the Tobacco Settlement Foundation's ten percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

O. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$2,400,000 the first year and \$2,400,000 the second year from the Court Debt Collection Program Fund at the Department of Taxation.

P. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$7,400,000 the first year and \$7,400,000 the second year from the Department of Motor Vehicles' Uninsured Motorists Fund. These amounts shall be from the share that would otherwise have been transferred to the State Corporation Commission.

Q. On or before June 30 each year, the State Comptroller shall transfer an amount estimated at \$5,000,000 the first year and an amount estimated at \$5,000,000 the second year to the general fund from the Intensified Drug Enforcement Jurisdictions Fund at the

- 1 Department of Criminal Justice Services.
- 2 R. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$3,864,585 the first year and
3 \$3,864,585 the second year from operating efficiencies to be implemented by the Alcoholic Beverage Control Authority.
- 4 S. On or before June 30 each year, the State Comptroller shall transfer \$466,600 the first year and \$466,600 the second year to
5 the general fund from the Land Preservation Fund (Fund 0216) at the Department of Taxation.
- 6 T. Unless prohibited by federal law or regulation or by the Constitution of Virginia and notwithstanding any contrary provision
7 of state law, on June 30 of each fiscal year, the State Comptroller shall transfer to the general fund of the state treasury the cash
8 balance from any nongeneral fund account that has a cash balance of less than \$100. This provision shall not apply to
9 institutions of higher education, bond proceeds, or trust accounts. The State Comptroller shall consult with the Director of the
10 Department of Planning and Budget in implementing this provision and, for just cause, shall have discretion to exclude certain
11 balances from this transfer or to restore certain balances that have been transferred.
- 12 U.1. The Brunswick Correctional Center operated by the Department of Corrections shall be sold. The Commonwealth may
13 enter into negotiations with (1) the Virginia Tobacco Indemnification and Community Revitalization Commission, (2) regional
14 local governments, and (3) regional industrial development authorities for the purchase of this property as an economic
15 development site.
- 16 2. Notwithstanding the provisions of § 2.2-1156, Code of Virginia or any other provisions of law, the proceeds of the sale of the
17 Brunswick Correctional Center shall be paid into the general fund.
- 18 V. On a monthly basis, in the month subsequent to collection, the State Comptroller shall transfer all amounts collected for the
19 fund created pursuant to § 17.1-275.12 of the Code of Virginia, to Items 354, 406, and 426 of this act, for the purposes
20 enumerated in Section 17.1-275.12.
- 21 W. On or before June 30 each year, the State Comptroller shall transfer \$12,518,587 the first year and \$12,518,587 the second
22 year to the general fund from the \$2.00 increase in the annual vehicle registration fee from the special emergency medical
23 services fund contained in the Department of Health's Emergency Medical Services Program (40200).
- 24 X. The provisions of Chapter 6.2, Title 58.1, Code of Virginia, notwithstanding, on or before June 30 each year the State
25 Comptroller shall transfer to the general fund from the proceeds of the Virginia Communications Sales and Use Tax (fund
26 0926), the Department of Taxation's indirect costs of administering this tax estimated at \$106,451 the first year and \$90,780 the
27 second year.
- 28 Y. Any amount designated by the State Comptroller from the June 30, 2020, or June 30, 2021, general fund balance for
29 transportation pursuant to § 2.2-1514B., Code of Virginia, is hereby appropriated.
- 30 Z. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the State Health Insurance Fund (Fund
31 06200) the balance from the Administration of Health Benefits Services Fund (Fund 06220) at the Department of Human
32 Resource Management.
- 33 AA. The Department of General Services is authorized to dispose of the following property currently owned by the Department
34 of Corrections in the manner it deems to be in the best interests of the Commonwealth: Pulaski Correctional Center and White
35 Post Detention and Diversion Center. Such disposal may include sale or transfer to other agencies or to local government
36 entities. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale of all or any part of the
37 properties shall be deposited into the general fund.
- 38 BB. The State Comptroller shall transfer all revenues collected each year to the general fund from the Firearms Transaction,
39 Concealed Weapons Permit, and Conservator of the Peace Programs at the Department of State Police.
- 40 CC. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the Health Insurance Fund - Local (Fund
41 05200) at the Administration of Health Insurance the balance from the Administration of Local Benefits Services Fund (Fund
42 05220) at the Department of Human Resource Management.
- 43 DD. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the Line of Duty Death and Health
44 Benefits Trust Fund (Fund 07420) at the Administration of Health Insurance the balance from the Administration of Health
45 Benefits Payment - LODA Fund (Fund 07422) at the Department of Human Resource Management.
- 46 EE. On or before June 30, of each fiscal year, the State Comptroller shall transfer \$154,743 from Special Funds of the
47 Department of Behavioral Health and Developmental Services (720) to Special Funds at the Office of the State Inspector
48 General (147).
- 49 FF. The Department of General Services, with the cooperation and support of the Department of Agriculture and Consumer
50 Services, is authorized to sell, for such consideration and the Governor may approve, a portion of the Eastern Shore Farmers
51 Market, including the Market Office Building at 18491 Garey Road and the Produce Warehouse at 18513 Garey Road, Melfa,

Virginia 23410. The Department of Agriculture and Consumer Services, with the recommendation of the Department of General Services, is authorized to grant any easement necessary to facilitate the sale of this portion of the Eastern Shore Farmer's Market. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale shall first be applied toward remediation options under federal tax law of any outstanding tax-exempt bonds on the property. After deduction of the expenses incurred by the Department of Agriculture and Consumer Services, any proceeds that remain shall be deposited to the general fund. Any conveyance shall be approved by the Governor in a manner set forth in §2.2-1150, Code of Virginia.

GG. On or before June 30 of each fiscal year, the State Comptroller shall transfer to the general fund the portion of the balances of the Disaster Recovery Fund (Fund 02460) and Covid-19 Addtl State Funding (Fund 02019) at the Virginia Department of Emergency Management that was received as a federal cost recovery. The amounts transferred represent repayment of the sum sufficient fund originally appropriated for federally-declared emergencies. The Department of Emergency Management shall report to the State Comptroller the amount of the balance to be transferred by June 1 of each year.

HH. Notwithstanding the provisions of subsection A of § 58.1-662, Code of Virginia, and in addition to clause (i) and (ii) of that subsection, monies in the Communications Sales and Use Tax Trust Fund shall not be allocated to the Commonwealth's counties, cities, and towns until after an amount equal to \$2,000,000 the first year is allocated to the general fund. The State Comptroller shall deposit to the general fund \$2,000,000 on or before June 30, the first year and an additional \$2,000,000 on or before June 30, the second year from the revenues received from the Communications Sales and Use Tax.

II. The transfer of excess amounts in the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund to the general fund pursuant to Item 59 of this act is estimated at \$6,242,868 the first year and \$500,000 the second year.

JJ. On or before June 30, 2021, the State Comptroller shall transfer \$1,000,000 in Special Funds from the Corrections Special Reserve Fund, pursuant to § 30-19.1:4 of the Code of Virginia, to the capital planning project authorized in Item C-66, Paragraph G of this act.

KK. On or before June 30, 2021, the State Comptroller shall transfer to the general fund an amount estimated at \$275,000 from the Special Fund balances of the Commission on the Virginia Alcohol Safety Action Program.

LL. On or before June 30, 2021, the State Comptroller shall transfer to the general fund, the balance of the Aerospace Manufacturer Workforce Training Grant Fund estimated at \$1,203,000.

MM. As required by §4-1.05 b of Chapter 56, 2020 Special Session I, \$140,197 in various inactive nongeneral fund accounts were reverted by the State Comptroller to the general fund in the first year *and \$108,599 in the second year.*

NN.1. On or before June 30, 2021, the State Comptroller shall transfer to the general fund all remaining balances estimated at \$15,856, from Fund 02019, Covid-19 Additional State Funding, in the Department of Emergency Management.

2. On or before June 30, 2021, the State Comptroller shall transfer to the general fund all remaining balances estimated at \$3,291,300, from Fund 02019, Covid-19 Additional State Funding, in the Department of Health.

OO. On or before June 30, 2022, the State Comptroller shall transfer to the general fund an amount estimated at \$27,515,896 from Special Fund balances of the Virginia Growth and Opportunity Fund (09272).

§ 3-1.02 INTERAGENCY TRANSFERS

The Virginia Department of Transportation shall transfer, from motor fuel tax revenues, \$388,254 the first year and \$388,254 the second year to the Department of General Services for motor fuels testing.

§ 3-1.03 SHORT-TERM ADVANCE TO THE GENERAL FUND FROM NONGENERAL FUNDS

A. To meet the occasional short-term cash needs of the general fund during the course of the year when cumulative year-to-date disbursements exceed temporarily cumulative year-to-date revenue collections, the State Comptroller is authorized to draw cash temporarily from nongeneral fund cash balances deemed to be available, although special dedicated funds related to commodity boards are exempt from this provision. Such cash drawdowns shall be limited to the amounts immediately required by the general fund to meet disbursements made in pursuance of an authorized appropriation. However, the amount of the cash drawdown from any particular nongeneral fund shall be limited to the excess of the cash balance of such fund over the amount otherwise necessary to meet the short-term disbursement requirements of that nongeneral fund. The State Comptroller will ensure that those funds will be replenished in the normal course of business.

B. In the event that nongeneral funds are not sufficient to compensate for the operating cash needs of the general fund, the State Treasurer is authorized to borrow, temporarily, required funds from cash balances within the Transportation Trust Fund, where such trust fund balances, based upon assessments provided by the Commonwealth Transportation Commissioner, are not otherwise needed to meet the short-term disbursement needs of the Transportation Trust Fund, including any debt service and debt coverage needs, over the life of the borrowing. In addition, the State Treasurer shall ensure that such borrowings are consistent with the terms and conditions of all bond documents, if any, that are relevant to the Transportation Trust Fund.

C. The Secretary of Finance, the State Treasurer and the Commonwealth Transportation Commissioner shall jointly agree on the amounts of such interfund borrowings. Such borrowed amounts shall be repaid to the Transportation Trust Fund at the earliest practical time when they are no longer needed to meet short-term cash needs of the general fund, provided, however, that such borrowed amounts shall be repaid within the biennium in which they are borrowed. Interest shall accrue daily at the rate per annum equal to the then current one-year United States Treasury Obligation Note rate.

D. Any temporary loan shall be evidenced by a loan certificate duly executed by the State Treasurer and the Commonwealth Transportation Commissioner specifying the maturity date of such loan and the annual rate of interest. Prepayment of temporary loans shall be without penalty and with interest calculated to such prepayment date. The State Treasurer is authorized to make, at least monthly, interest payments to the Transportation Trust Fund.

§ 3-2.00 WORKING CAPITAL FUNDS AND LINES OF CREDIT

§ 3-2.01 ADVANCES TO WORKING CAPITAL FUNDS

A. The State Comptroller shall make available to the Virginia Racing Commission, on July 1 of each year, the amount of \$125,000 from the general fund as a temporary cash flow advance, to be repaid by December 30 of each year.

B. The State Comptroller shall provide a Working Capital Advance for up to \$3,000,000 on July 1 of the first year and for up to \$16,000,000 on July 1 of the second year, to the Department of Veterans Services to operate the Puller & Cabacoy Veterans Care Centers, to be repaid from revenue generated by the facilities.

§ 3-2.02 CHARGES AGAINST WORKING CAPITAL FUNDS

The State Comptroller may periodically charge the appropriation of any state agency for the expenses incurred for services received from any program financed and accounted for by working capital funds. Such charge may be made upon receipt of such documentation as in the opinion of the State Comptroller provides satisfactory evidence of a claim, charge or demand against the appropriations made to any agency. The amounts so charged shall be recorded to the credit of the appropriate working capital fund accounts. In the event any portion of the charge so made shall be disputed, the amount in dispute may be restored to the agency appropriation by direction of the Governor.

§ 3-2.03 LINES OF CREDIT

a. The State Comptroller shall provide lines of credit to the following agencies, not to exceed the amounts shown:

Administration of Health Insurance, Health Benefits Services	\$75,000,000
Administration of Health Insurance, Line of Duty Act	\$10,000,000
Department of Accounts, for the Payroll Service Bureau	\$400,000
Department of Accounts, Transfer Payments	\$5,250,000
Alcoholic Beverage Control Authority	\$80,000,000
Department of Corrections, for Virginia Correctional Enterprises	\$1,000,000
Department of Corrections, for Federal Grant Processing	\$1,000,000
Department of Emergency Management, for Hazardous Material Incident Response	\$150,000
Department of Emergency Management, for Federal Grant Processing	\$500,000
Department of Environmental Quality	\$5,000,000
Department of Human Resource Management, for the Workers' Compensation Self Insurance Trust Fund	\$10,000,000
Department of Behavioral Health and Developmental Services	\$30,000,000
Department of Medical Assistance Services, for the Virginia Health Care Fund	\$12,000,000
Department of Motor Vehicles	\$30,600,000
Department of the Treasury, for the Unclaimed Property Trust Fund	\$5,000,000
Department of the Treasury, for the State Insurance Reserve Trust Fund	\$25,000,000
Virginia Lottery	\$56,000,000
Virginia Information Technologies Agency	\$165,000,000
Virginia Tobacco Settlement Foundation	\$3,000,000
Department of Historic Resources	\$600,000

1	Department of Fire Programs	\$30,000,000
2	Compensation Board	\$8,000,000
3	Department of Conservation and Recreation	\$4,000,000
4	Department of Military Affairs, for State Active Duty	\$5,000,000
5	Department of Military Affairs, for Federal Cooperative	\$30,000,000
6	Agreements	
7	Virginia Parole Board	\$50,000
8	Commonwealth's Attorneys' Services Council	\$200,000
9	Department of State Police, for the Internet Crimes Against	\$3,700,000
10	Children Grant	
11	Department of State Police, for Federal Grant Processing	\$1,500,000
12	Department of Social Services, for timing issues related to the	\$17,000,000
13	receipt of federal grants and other payments	

14 b. The State Comptroller shall execute an agreement with each agency documenting the procedures for the line of credit, including,
 15 but not limited to, applicable interest and the method for the drawdown of funds. The provisions of § 4-3.02 b of this act shall not
 16 apply to these lines of credit.

17 c. The State Comptroller, in conjunction with the Departments of General Services and Planning and Budget, shall establish
 18 guidelines for agencies and institutions to utilize a line of credit to support fixed and one-time costs associated with implementation
 19 of office space consolidation, relocation and/or office space co-location strategies, where such line of credit shall be repaid by the
 20 agency or institution based on the cost savings and efficiencies realized by the agency or institution resulting from the consolidation
 21 and/or relocation. In such cases the terms of office space consolidation or co-location strategies shall be approved by the Secretary of
 22 Administration, in consultation with the Secretary of Finance, as demonstrating cost benefit to the Commonwealth. In no case shall
 23 the advances to an agency or institution exceed \$1,000,000 nor the repayment begin more than one year following the
 24 implementation or extend beyond a repayment period of seven years.

25 d. The State Comptroller is hereby authorized to provide lines of credit of up to \$2,500,000 to the Department of Motor Vehicles and
 26 up to \$2,500,000 to the Department of State Police to be repaid from revenues provided under the federal government's
 27 establishment of Uniform Carrier Registration.

28 e. The Virginia Lottery is hereby authorized to use its line of credit to meet cash flow needs for operations at any time during the
 29 year and to provide cash to the Virginia Lottery Fund to meet the required transfer of estimated lottery profits to the Lottery
 30 Proceeds Fund ~~in the month of June~~, as specified in provisions of § 3-1.01G. of this act. The Virginia Lottery shall repay the line of
 31 credit as actual cash flows become available. The Secretary of Finance is authorized to increase the line of credit to the Virginia
 32 Lottery if necessary to meet operating needs.

33 f. The State Comptroller is hereby authorized to provide a line of credit of up to \$5,000,000 to the Department of Military Affairs to
 34 cover the actual costs of responding to State Active Duty. The line of credit will be repaid as the Department of Military Affairs is
 35 reimbursed from federal or other funds, other than Department of Military Affairs funds.

36 g. The Department of Human Resource Management shall repay the local health insurance option program's initial start-up costs,
 37 funded through the line of credit authorized in Chapter 836, 2017 Acts of Assembly, in fiscal years 2017 and 2018, over a period not
 38 to exceed ten years from the health insurance premiums paid by the local health insurance option program's participants.

39 h. The Department of Conservation and Recreation may utilize the line of credit authorized in paragraph a. to continue the
 40 development of the coastal master plan, including use of a consultant to assist in the plan's development. Any funds spent from the
 41 line of credit for this purpose shall be repaid from revenues generated by the Commonwealth's participation in the sale of allowances
 42 through the Regional Greenhouse Gas Initiative and deposited to the Virginia Community Flood Preparedness Fund pursuant to §
 43 [10.1-603.25](#), Code of Virginia.

44 § 3-3.00 GENERAL FUND DEPOSITS

45 § 3-3.01 PAYMENT BY THE STATE TREASURER

46 The state Treasurer shall transfer an amount estimated at \$50,000 on or before June 30, 2021 and an amount estimated at \$50,000 on
 47 or before June 30, 2022, to the general fund from excess 9(c) sinking fund balances.

48 § 3-4.00 AUXILIARY ENTERPRISES AND SPONSORED PROGRAMS IN INSTITUTIONS OF HIGHER EDUCATION

49 § 3-4.01 AUXILIARY ENTERPRISE INVESTMENT YIELDS

50 A. 1. The educational and general programs in institutions of higher education shall recover the full indirect cost of auxiliary

enterprise programs as certified by institutions of higher education to the Comptroller subject to annual audit by the Auditor of Public Accounts. The State Comptroller shall credit those institutions meeting the requirement with the interest earned by the investment of funds of their auxiliary enterprise programs.

2. The University of Virginia's College at Wise is authorized to suspend the transfer of the recovery of the full indirect cost of auxiliary enterprise programs to the educational and general program for the 2020-2022 biennium.

3. Institutions of higher education shall have the authority to reduce the recovery of the full indirect cost of auxiliary enterprise programs to the educational and general program for the 2020-2022 biennium as a result of the significant financial impact on auxiliary enterprise programs caused by the COVID-19 pandemic.

4. a. Institutions of higher education shall have the authority to use available fund balances from other fund sources, to include educational and general program reserves, to support operations, increased costs or revenue reductions, for auxiliary enterprise programs for the 2020-2022 biennium. However, with the exception of transfer payments, educational and general program reserves may not be used to directly support intercollegiate athletics.

b. Any use of available fund balances pursuant to these temporary provisions shall be subject to approval by the Board of Visitors of the institution, provided that the Board has also reviewed the measures of financial status included in the most recent Auditor of Public Account Higher Education Comparative Report. Prior to any transfer, the institution shall provide the approval resolution to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.

B. No interest shall be credited for that portion of the fund's cash balance that represents any outstanding loans due from the State Treasurer. The provisions of this section shall not apply to the capital projects authorized under Items C-36.21 and C-36.40 of Chapter 924, 1997 Acts of Assembly.

§ 3-5.00 ADJUSTMENTS AND MODIFICATIONS TO TAX COLLECTIONS

§ 3-5.01 RETALIATORY COSTS TO OTHER STATES TAX CREDIT

Notwithstanding any other provision of law, the amount deposited to the Priority Transportation Trust Fund pursuant to § 58.1-2531 shall not be reduced by more than \$266,667 by any refund of the Tax Credit for Retaliatory Costs to Other States available under § 58.1-2510.

§3-5.02 PAYMENT OF AUTO RENTAL TAX TO THE GENERAL FUND

Notwithstanding the provisions of § 58.1-1741, Code of Virginia, or any other provision of law, all revenues resulting from the fee imposed under subdivision A3 of § 58.1-1736, Code of Virginia, shall be deposited into the general fund after the direct costs of administering the fee are recovered by the Department of Taxation.

§ 3-5.03 IMPLEMENTATION OF CHAPTER 3, ACTS OF ASSEMBLY OF 2004, SPECIAL SESSION I

Revenues deposited into the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 of the Code of Virginia pursuant to enactments of the 2004 Special Session of the General Assembly shall be transferred to the general fund and used to meet the Commonwealth's responsibilities for the Standards of Quality prescribed pursuant to Article VIII, Section 2, of the Constitution of Virginia. The Comptroller shall take all actions necessary to effect such transfers monthly, no later than 10 days following the deposit to the Fund. The amounts transferred shall be distributed to localities as specified in Direct Aid to Public Education's (197), State Education Assistance Programs (17800) of this Act. The estimated amount of such transfers are \$421,600,000 the first year and ~~\$433,800,000~~ \$510,700,000 the second year.

§ 3-5.04 RETAIL SALES & USE TAX EXEMPTION FOR INTERNET SERVICE PROVIDERS

Notwithstanding any other provision of law, for purchases made on or after July 1, 2006, any exemption from the retail sales and use tax applicable to production, distribution, and other equipment used to provide Internet-access services by providers of Internet service, as defined in § 58.1-602, Code of Virginia, shall occur as a refund request to the Tax Commissioner. The Tax Commissioner shall develop procedures for such refunds.

§ 3-5.05 DISPOSITION OF EXCESS FEES COLLECTED BY CLERKS OF THE CIRCUIT COURTS

Notwithstanding §§ 15.2-540, 15.2-639, 15.2-848, 17.1-285, and any other provision of law general or special, effective July 1, 2009, the Commonwealth shall be entitled to two-thirds of the excess fees collected by the clerks of the circuit courts as required to be reported under § 17.1-283.

§ 3-5.06 ACCELERATED SALES TAX

A. Notwithstanding any other provision of law, in addition to the amounts required under the provisions of §§58.1-615 and 58.1-616, any dealer as defined by §58.1-612 or direct payment permit holder pursuant to §58.1-624 with taxable sales and purchases of \$1,000,000 or greater for the 12-month period beginning July 1, and ending June 30 of the immediately preceding calendar year, shall be required to make a payment equal to 90 percent of the sales and use tax liability for the previous June.

Such tax payments shall be made on or before the 30th day of June, if payments are made by electronic fund transfer, as defined in § 58.1-202.1. If payment is made by other than electronic funds transfer, such payment shall be made on or before the 25th day of June. Every dealer or direct payment holder shall be entitled to a credit for the payment under this section on the return for June of the current year due July 20.

B. The Tax Commissioner may develop guidelines implementing the provisions of this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

C. For purposes of this section, taxable sales or purchases shall be computed without regard to the number of certificates of registration held by the dealer. The provisions of this section shall not apply to persons who are required to file only a Form ST-7, Consumer's Use Tax Return.

D. In lieu of the penalties provided in § 58.1-635, except with respect to fraudulent returns, failure to make a timely payment or full payment of the sales and use tax liability as provided in subsection A shall subject the dealer or direct payment permit holder to a penalty of six percent of the amount of tax underpayment that should have been properly paid to the Tax Commissioner. Interest shall accrue as provided in § 58.1-15. The payment required by this section shall become delinquent on the first day following the due date set forth in this section if not paid.

E. Payments made pursuant to this section shall be made in accordance with procedures established by the Tax Commissioner and shall be considered general fund revenue, except with respect to those revenues required to be distributed under the provisions of §§ 58.1-605, 58.1-606, 58.1-638(A), 58.1-638(G)-(H), 58.1-638.2, and 58.1-638.3 of the Code of Virginia.

F. That the State Comptroller shall make no distribution of the taxes collected pursuant to this section in accordance with §§ 58.1-605, 58.1-606, 58.1-638, 58.1-638.1, 58.1-638.2 and 58.1-638.3 of the Code of Virginia until the Tax Commissioner makes a written certification to the Comptroller certifying the sales and use tax revenues generated pursuant to this section. The Tax Commissioner shall certify the sales and use tax revenues generated as soon as practicable after the sales and use tax revenues have been paid into the state treasury in any month for the preceding month.

G. Beginning with the tax payment that would be remitted on or before June 25, 2021, if the payment is made by other than electronic fund transfers, and by June 30, 2021, if payments are made by electronic fund transfer, the provisions of § 3-5.08 of Chapter 874, 2010 Acts of Assembly, shall apply only to those dealers or permit holders with taxable sales and purchases of \$10,000,000 or greater for the 12-month period beginning July 1 and ending June 30 of the immediately preceding calendar year.

H. Notwithstanding language included in the paragraphs above, no Accelerated Sales Tax payments shall be required for any dealer for any period beginning after June 30, 2021. Penalties and interest for all prior years' Accelerated Sales Tax payments remain due and are collectible.

§ 3-5.07 DISCOUNTS AND ALLOWANCES

A. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation allowed under § 58.1-622, Code of Virginia, shall be suspended for any dealer required to remit the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia, by electronic funds transfer pursuant to § 58.1-202.1, Code of Virginia, and the compensation available to all other dealers shall be limited to the following percentages of the first three percent of the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia:

Monthly Taxable Sales	Percentage
\$0 to \$62,500	1.6%
\$62,501 to \$208,000	1.2%
\$208,001 and above	0.8%

B. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation available under §§ 58.1-642, 58.1-656, 58.1-1021.03, and 58.1-1730, Code of Virginia, shall be suspended.

C. Beginning with the return for June 2011, due July 2011, the compensation under § 58.1-1021.03 shall be reinstated.

§ 3-5.08 SALES TAX COMMITMENT TO HIGHWAY MAINTENANCE AND OPERATING FUND

The sales and use tax revenue for distribution to the Highway Maintenance and Operating Fund shall be consistent with Chapter 766, 2013 Acts of Assembly.

§ 3-5.09 INTANGIBLE HOLDING COMPANY ADDBACK

Notwithstanding the provisions of § 58.1-402(B)(8), Code of Virginia, for taxable years beginning on and after January 1, 2004:

(i) The exception in § 58.1-402(B)(8)(a)(1) for income that is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government shall be limited to and apply only to the portion of such income received by the related member that owns the intangible property, which portion is attributed to a state or foreign government in which such

related member has sufficient nexus to be itself subject to such taxes; and

(ii) The exception in § 58.1-402(B)(8)(a)(2) for a related member deriving at least one-third of its gross revenues from licensing to unrelated parties shall be limited and apply to the portion of such income received by the related member that owns the intangible property and derived from licensing agreements for which the rates and terms are comparable to the rates and terms of agreements that such related member has entered into with unrelated entities.

§ 3-5.10 REGIONAL FUELS TAX

Funds collected pursuant to § 58.1-2291 et seq., Code of Virginia, from the additional sales tax on fuel in certain transportation districts under § 58.1-2291 et seq., Code of Virginia, shall be returned to the respective commissions in amounts equivalent to the shares collected in the respective member jurisdictions. However, no funds shall be collected pursuant to § 58.1-2291 et seq., Code of Virginia, from levying the additional sales tax on aviation fuel as that term is defined in § 58.1-2201, Code of Virginia.

§ 3-5.11 DEDUCTION FOR ABLE ACT CONTRIBUTIONS

A. Effective for taxable years beginning on or after January 1, 2016, an individual shall be allowed a deduction from Virginia adjusted gross income as defined in § 58.1-321, Code of Virginia, for the amount contributed during the taxable year to an ABLE savings trust account entered into with the Virginia College Savings Plan pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, Code of Virginia. The amount deducted on any individual income tax return in any taxable year shall be limited to \$2,000 per ABLE savings trust account. No deduction shall be allowed pursuant to this section if such contributions are deducted on the contributor's federal income tax return. If the contribution to an ABLE savings trust account exceeds \$2,000 the remainder may be carried forward and subtracted in future taxable years until the ABLE savings trust contribution has been fully deducted; however, in no event shall the amount deducted in any taxable year exceed \$2,000 per ABLE savings trust account.

B. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, Code of Virginia, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified disability expenses, as defined in § 529A of the Internal Revenue Code; or (ii) the beneficiary's death.

C. A contributor to an ABLE savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$2,000 per ABLE savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount contributed to an ABLE savings trust account, less any amounts previously deducted.

D. The Tax Commissioner shall develop guidelines implementing the provisions of this section, including but not limited to the computation, carryover, and recapture of the deduction provided under this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq., Code of Virginia).

§ 3-5.12 RETAIL SALES AND USE TAX EXEMPTION FOR RESEARCH FOR FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

A. Notwithstanding any other provision of law or regulation, and beginning July 1, 2016 and ending June 30, 2018, the retail sales and use tax exemption provided for in subdivision 5 of § 58.1-609.3 of the Code of Virginia, applicable to tangible personal property purchased or leased for use or consumption directly and exclusively in basic research or research and development in the experimental or laboratory sense, shall apply to such property used in a federally funded research and development center, regardless of whether such property is used by the purchaser, lessee, or another person or entity.

B. Notwithstanding any other provision of law, beginning July 1, 2018, tangible personal property purchased by a federally funded research and development center sponsored by the U.S. Department of Energy shall be exempt from the retail sales and use tax.

C. Nothing in this section shall be construed to relieve any federally funded research and development center of any liability for retail sales and use tax due for the purchase of tangible personal property pursuant to the law in effect at the time of the purchase.

§ 3-5.13 ADMISSIONS TAX

Notwithstanding the provisions of § 58.1-3818.02, Code of Virginia, or any other provision of law, subject to the execution of a memorandum of understanding between an entertainment venue and the County of Stafford, Stafford County is authorized to impose a tax on admissions to an entertainment venue located in the county that (i) is licensed to do business in the county for the first time on or after July 1, 2015, and (ii) requires at least 75 acres of land for its operations, and (iii) such land is purchased or leased by the entertainment venue owner on or after June 1, 2015. The tax shall not exceed 10 percent of the amount of charge for admission to any such venue. The provisions of this section shall expire on July 1, 2019 if no entertainment venue exists in Stafford County upon which the tax authorized is imposed.

1 § 3-5.14 SUNSET DATES FOR INCOME TAX CREDITS AND SALES AND USE TAX EXEMPTIONS

2 A. Notwithstanding any other provision of law the General Assembly shall not advance the sunset date on any existing sales tax
3 exemption or tax credit beyond June 30, 2025. Any new sales tax exemption or tax credit enacted by the General Assembly after the
4 2019 regular legislative session, but prior to the 2024 regular legislative session, shall have a sunset date of not later than June 30,
5 2025. However, this requirement shall not apply to tax exemptions administered by the Department of Taxation under § 58.1-609.11,
6 relating to exemptions for nonprofit entities nor shall it apply to exemptions or tax credits with sunset dates after June 30, 2022,
7 enacted or advanced during the 2016 Session of the General Assembly, or to the Motion Picture Production Tax Credit under § 58.1-
8 439.12:03, Code of Virginia.

9 B. By November 1, 2020, the Department of Taxation shall report to every member of the General Assembly and to the Joint
10 Subcommittee to Evaluate Tax Preferences, on the revenue impact of every sales tax exemption and tax credit scheduled to expire on
11 or before June 30, 2025. The report shall include the prior fiscal year's state and local sales tax impact of each expiring sales tax
12 exemption, and the prior fiscal year's general fund revenue impact of each expiring tax credit. The tax credit revenue impact analysis
13 shall be inclusive of credits claimed against any tax imposed under Title 58.1 of the Code of Virginia.

14 C. The Department shall provide an updated revenue impact report no later than November 1, 2025, and every five years thereafter,
15 for sales tax exemptions and tax credits set to expire within two years following the date of the report. Such reports shall be
16 distributed to every member of the General Assembly and to the Joint Subcommittee to Evaluate Tax Preferences.

17 § 3-5.15 PROVIDER COVERAGE ASSESSMENT

18 A. The Department of Medical Assistance Services (DMAS) is authorized to levy an assessment upon private acute care hospitals
19 operating in Virginia in accordance with this Item. Private acute care hospitals operating in Virginia shall pay a coverage assessment
20 beginning on or after October 1, 2018. For the purposes of this coverage assessment, the definition of private acute care hospitals
21 shall exclude public hospitals, freestanding psychiatric and rehabilitation hospitals, children's hospitals, long stay hospitals, long-
22 term acute care hospitals and critical access hospitals.

23 B.1. The coverage assessment shall be used only to cover the non-federal share of the "full cost of expanded Medicaid coverage" for
24 newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act, including
25 the administrative costs of collecting the coverage assessment and implementing and operating the coverage for newly eligible adults
26 which includes the costs of administering the provisions of the Section 1115 waiver.

27 2.a. The "full cost of expanded Medicaid coverage" shall include: 1) any and all Medicaid expenditures related to individuals eligible
28 for Medicaid pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act, including any federal
29 actions or repayments; and, 2) all administrative costs associated with providing coverage, which includes the costs of administering
30 the provisions of the Section 1115 waiver, and collecting the coverage assessment.

31 b. The "full cost of expanded Medicaid coverage" shall be updated: 1) on November 1 of each year based on the official Medicaid
32 forecast and latest administrative cost estimates developed by DMAS; 2) no more than 30 days after the enactment of this Act to
33 reflect policy changes adopted by the latest session of the General Assembly; and 3) on March 1 of any year in which DMAS
34 estimates that the most recent non-federal share of the "full cost of expanded Medicaid coverage" times 1.08 will be insufficient to
35 pay all expenses in 2.a. for that year.

36 C.1. The "coverage assessment amount" shall equal the non-federal share of the "full cost of expanded Medicaid coverage" times
37 1.02.

38 2. The "coverage assessment percentage" shall be calculated quarterly by dividing (i) the "coverage assessment amount" by (ii) the
39 total "net patient service revenue" for hospitals subject to the assessment. The coverage assessment amount used in the quarterly
40 calculation of the "coverage assessment percentage" shall include a reconciliation of the Health Care Coverage Assessment Fund
41 prescribed in D.1 and subtract all prior quarterly assessments paid for that fiscal year before dividing the remainder by the remaining
42 quarters in the fiscal year.

43 3. Each hospital's "net patient service revenue" equals the amount reported in the most recent Virginia Health Information (VHI)
44 "Hospital Detail Report." Hospitals shall certify that the net patient service revenue is hospital revenue and this amount shall be the
45 assessment basis for the following fiscal year.

46 4. Each hospital's coverage assessment amount shall be calculated by multiplying the quarterly "coverage assessment percentage"
47 times each hospital's net patient service revenue.

48 D.1. DMAS shall, at a minimum, update the "coverage assessment amount" whenever the "full cost of expanded Medicaid
49 coverage" is updated in section B.2.b or to ensure amounts are sufficient to cover the full cost of expanded Medicaid coverage based
50 on the latest estimate. Hospitals shall be given no less than 15 days' notice prior to the beginning of the quarter with associated
51 calculations supporting the change in its coverage assessment amount. Prior to any change to the coverage assessment amount,
52 DMAS shall perform and incorporate a reconciliation of the Health Care Coverage Assessment Fund through the most recent
53 complete quarter. Any estimated excess or shortfall of revenue shall be deducted from or added to the "coverage assessment

amount."

2. DMAS shall be responsible for collecting the coverage assessment amount. Hospitals subject to the coverage assessment shall make quarterly payments due no later than July 1, October 1, January 1 and April 1 of each state fiscal year.

3. Hospitals that fail to make the coverage assessment payments within 30 days of the due date shall incur a five percent penalty that shall be deposited in the Virginia Health Care Fund. Any unpaid coverage assessment or penalty will be considered a debt to the Commonwealth and DMAS is authorized to recover it as such.

E. DMAS shall submit a report, due September 1 of each year, to the Director, Department of Planning and Budget and Chairmen of the House Appropriations and Senate Finance Committees, and the Virginia Hospital and Healthcare Association. The report shall include, for the most recently completed fiscal year, the revenue collected from the coverage assessment, expenditures for purposes authorized by this Item, and the year-end coverage assessment balance in the Health Care Coverage Assessment Fund. The report shall also include a complete and itemized listing of all administrative costs included in the coverage assessment.

F. All revenue from the coverage assessment excluding penalties, shall be deposited into the Health Care Coverage Assessment Fund. Proceeds from the coverage assessment, excluding penalties, shall not be used for any other purpose than to cover the non-federal share of the full cost of expanded Medicaid coverage. Notwithstanding any other provision of law, the net state share of any prior year recovery of Medicaid expansion costs that were paid with coverage assessment revenue shall be deposited into the Health Care Coverage Assessment Fund.

G. Any provision of this Item is contingent upon approval by the Centers for Medicare and Medicaid Services if necessary.

H. The Hospital Payment Policy Advisory Council shall meet to consider the implementation and provisions of the Provider Coverage and Payment Rate Assessments in order to consider and make recommendations to ensure the collection and use of such funds are appropriate and consistent with the intent of the General Assembly. Specifically, the Council shall consider the level of detail and format necessary to develop the report pursuant to paragraph E. The Council shall recommend a format and associated level of detail, to be included in the report to the Joint Subcommittee for Health and Human Resources Oversight. The Joint Subcommittee shall approve the final format and associated level of detail of the report to be submitted by the Department of Medical Assistance Services.

§ 3-5.16 PROVIDER PAYMENT RATE ASSESSMENT

A. The Department of Medical Assistance Services (DMAS) is hereby authorized to levy a payment rate assessment upon private acute care hospitals operating in Virginia in accordance with this item. Private acute care hospitals operating in Virginia shall pay a payment rate assessment beginning on or after October 1, 2018 when all necessary state plan amendments are approved by the Centers for Medicare and Medicaid Services (CMS). For purposes of this assessment, the definition of private acute care hospitals shall exclude public hospitals, freestanding psychiatric and rehabilitation hospitals, children's hospitals, long stay hospitals, long-term acute care hospitals and critical access hospitals.

B. Proceeds from the payment rate assessment shall be used to (i) fund an increase in inpatient and outpatient payment rates paid to private acute care hospitals operating in Virginia up to the "upper payment limit gap"; and (ii) fill the "managed care organization hospital payment gap" for care provided to recipients of medical assistance services. Payments made under the provisions i and ii of this paragraph shall be referred to as "private acute care hospital enhanced payments".

C.1. The Department of Medical Assistance Services (DMAS) shall calculate each hospital's "payment rate assessment amount" by multiplying the "payment rate assessment percentage" times "net patient service revenue" as defined below.

2. The "payment rate assessment percentage" for hospitals shall be calculated as (i) the non-federal share of funding the "private acute care hospitals enhanced payments" divided by (ii) the total "net patient service revenue" for hospitals subject to the assessment.

3. Each hospital's "net patient service revenue" equals the amount reported in the most recent Virginia Health Information (VHI) "Hospital Detail Report." Hospitals shall certify that the net patient service revenue is hospital revenue and this amount shall be the assessment basis for the following fiscal year.

D. DMAS is authorized to update the payment rate assessment amount and payment rate assessment percentage on a quarterly basis to ensure amounts are sufficient to cover the non-federal share of the full cost of the private acute care hospital enhanced payments based on the department's quarterly claims and encounter data. Hospitals shall be given no less than 15 days prior notice of the new assessment amount and be provided with calculations. Prior to any change to the payment rate assessment amount, DMAS shall perform and incorporate a reconciliation of the Health Care Provider Payment Rate Assessment Fund. Any estimated excess or shortfall of revenue since the previous reconciliation shall be deducted from or added to the calculation of the private acute care hospital enhanced payments.

E.1. The "upper payment limit" means the limit on payment for inpatient services for recipients of medical assistance established in accordance with 42 C.F.R. § 447.272 and outpatient services for recipients of medical assistance pursuant to 42

C.F.R. § 447.321 for private hospitals. DMAS shall complete a calculation of the "upper payment limit" for each state fiscal year with a detailed analysis of how it was determined. The "upper payment limit payment gap" means the difference between the amount of the private hospital upper payment limit and the amount otherwise paid pursuant to the state plan for inpatient and outpatient services. The "managed care organization hospital payment gap" means the difference between the amount included in the capitation rates for inpatient and outpatient services based on historical paid claims and the amount that would be included when the projected hospital services furnished by private acute care hospitals operating in Virginia are priced for the contract year equivalent to the maximum managed care directed payment amount as allowed by CMS subject to CMS approval under 42 C.F.R. section 438.6(c). As part of the development of the managed care capitation rates, the DMAS shall calculate a "Medicaid managed care organization (MCO) supplemental hospital capitation payment adjustment". This is a distinct additional amount that shall be added to Medicaid MCO capitation rates to fund supplemental payments under this section to private acute care hospitals operating in Virginia for services to Medicaid recipients.

2. DMAS shall contractually direct Medicaid MCOs to disburse supplemental hospital capitation payment funds consistent with this section and 42 C.F.R. § 438.6(c), to ensure that all such funds are disbursed to private acute care hospitals operating in Virginia. In addition, DMAS shall contractually prohibit MCOs from making reductions to or supplanting hospital payments otherwise paid by MCOs.

3. DMAS shall make available quarterly a report of the additional capitation payments that are made to each MCO pursuant to this item. Further, DMAS shall consider recommendations of the Medicaid Hospital Payment Policy and Advisory Council in designing and implementing the specific elements of the payment rate assessment and private acute care hospital supplemental payment program authorized by this item.

F.1. DMAS shall be responsible for collecting the payment rate assessment amount. Hospitals subject to the payment rate assessment shall make quarterly payments due no later than August 15, November 15, February 15 and May 15 of each state fiscal year.

2. Hospitals that fail to make the payment rate assessment payments on or before the due date in subsection F.1. shall incur a five percent penalty that shall be deposited in the Virginia Health Care Fund. Any unpaid payment assessment or penalty will be considered a debt to the Commonwealth and DMAS is authorized to recover it as such.

G. DMAS shall submit a report due September 1 of each year to the Director, Department of Planning and Budget and Chairmen of the House Appropriations and Senate Finance Committees. The report shall include, for the most recently completed fiscal year, the revenue collected from the payment rate assessment, expenditures for purposes authorized by this item, and the year-end assessment balance in the Health Care Provider Payment Rate Assessment Fund.

H. All revenue from the payment rate assessment shall be deposited into the Health Care Provider Payment Rate Assessment Fund, a special non-reverting fund in the state treasury. Proceeds from the payment rate assessment, excluding penalties, shall not be used for any other purpose than to fund (i) an increase in inpatient and outpatient payment rates paid to private acute care hospitals operating in Virginia up to the private hospital "upper payment limit" and "managed care organization hospital payment gap" for care provided to recipients of medical assistance services, and (ii) the administrative costs of collecting the assessment and of implementing and operating the associated payment rate actions.

I. Any provision of this Section is contingent upon approval by the Centers for Medicare and Medicaid Services if necessary.

§ 3-5.17 TOBACCO TAX STUDY

The Joint Subcommittee to Evaluate Tax Preferences is hereby directed to continue studying options for the modernization of § 58.1-1001(A), Code of Virginia, to reflect advances in science and technology in the area of tobacco harm reduction, and the role innovative non-combustible tobacco products can play in reducing harm, including products that produce vapor or aerosol from heating tobacco or liquid nicotine. In addition, the Joint Subcommittee shall study possible reforms to the taxation of tobacco products that will provide fairness and equity for all local governments and also ensure stable tax revenues for the Commonwealth. The Joint Subcommittee shall complete its study and submit a final report with recommended reforms to the Finance Committees of the Virginia Senate and Virginia House of Delegates. All agencies of the Commonwealth shall provide assistance for this study, upon request.

§3-5.18 HISTORIC PRESERVATION TAX CREDIT

Notwithstanding § 58.1-339.2 or any other provision of law, effective for taxable years beginning on and after January 1, 2017, the amount of the Historic Rehabilitation Tax Credit that may be claimed by each taxpayer, including amounts carried over from prior taxable years, shall not exceed \$5 million for any taxable year.

§ 3-5.19 LAND PRESERVATION TAX CREDIT CLAIMED

Notwithstanding § 58.1-512 or any other provision of law, effective for the taxable year beginning on and after January 1, 2017, but before January 1, 2023, the amount of the Land Preservation Tax Credit that may be claimed by each taxpayer, including amounts carried over from prior taxable years, shall not exceed \$20,000.

§ 3-5.20 NEIGHBORHOOD ASSISTANCE ACT TAX CREDIT

Notwithstanding any other provision of law or regulation, in order to be eligible to receive an allocation of credits pursuant to § 58.1-439.20:1, Code of Virginia, at least 50 percent of the persons served by the neighborhood organization, either directly by the neighborhood organization or through the provision of revenues to other organizations or groups serving such persons, shall be low-income persons or eligible students with disabilities and at least 50 percent of the neighborhood organization's revenues shall be used to provide services to low-income persons or to eligible students with disabilities, either directly by the neighborhood organization or through the provision of revenues to other organizations or groups providing such services. A tax credit shall be issued by the Superintendent of Public Instruction or the Commissioner of Social Services to an individual only upon receipt of a certification made by a neighborhood organization to whom tax credits were allocated for an approved program pursuant to § 58.1-439.20, § 58.1-439.20:1 or this language.

§ 3-5.21 CIGARETTE TAX, TOBACCO PRODUCTS TAX AND TAX ON LIQUID NICOTINE

A. Notwithstanding any other provision of law, the cigarette tax imposed under subsection A of § 58.1-1001 of the Code of Virginia shall be 3.0 cents on each cigarette sold, stored or received on and after July 1, 2020.

B. Notwithstanding any other provision of law, the rates of the tobacco products tax imposed under § 58.1-1021.02 of the Code of Virginia in effect on June 30, 2020 shall be doubled beginning July 1, 2020 for taxable sales or purchases occurring on and after such date.

C. Notwithstanding any other provision of law, the tobacco products tax imposed under § 58.1-1021.02 of the Code of Virginia shall be imposed on liquid nicotine at the rate of \$0.066 per milliliter beginning July 1, 2020 for taxable sales or purchases occurring on and after such date.

D. Notwithstanding any other provision of law, the tobacco products tax imposed under § 58.1-1021.02 of the Code of Virginia shall be imposed on any heated tobacco product at the rate of 2.25 cents per stick beginning January 1, 2021 for taxable sales or purchases occurring on and after such date.

E. The Tax Commissioner shall establish guidelines and rules for (i) transitional procedures in regard to the increase in the cigarette tax, (ii) implementation of the increased tobacco products tax rates, and (iii) implementation of the tobacco products tax on liquid nicotine pursuant to the provisions of this act. The development of such guidelines and rules by the Tax Commissioner shall be exempt from the provisions of the Administrative Process Act (Code of Virginia § 2.2-4000 et seq.)

F. Notwithstanding any other provision of law, beginning January 1, 2021, for the purposes of the Tobacco Products Tax, a Distributor, as defined in § 58.1-1021.01, shall be deemed to have sufficient activity within the Commonwealth to require registration under § 58.1-1021.04:1, if such distributor:

1. Receives more than \$100,000 in gross revenue, or other minimum amount as may be required by federal law, from sales of tobacco products in the Commonwealth in the previous or current calendar year, provided that in determining the amount of a dealer's gross revenues, the sales made by all commonly controlled persons as defined in subsection D of § 58.1-612 shall be aggregated; or

2. Engages in 200 or more separate tobacco products sales transactions, or other minimum amount as may be required by federal law, in the Commonwealth in the previous or current calendar year, provided that in determining the total number of a dealer's retail sales transactions, the sales made by all commonly controlled persons as defined in subsection D of § 58.1-612 shall be aggregated.

§ 3-5.22 CORONAVIRUS DISEASE 2019 ADMINISTRATIVE TAX RELIEF

A. Any income tax payments originally due during the period from April 1, 2020 to June 1, 2020 may be submitted to the Department of Taxation without the accrual of interest as would otherwise be required for late payments pursuant to Chapter 3 of Title 58.1, provided that full payment is made on or before June 1, 2020. For purposes of this section, "income tax payment" means any payment required to be made with a return filed pursuant to §§ 58.1-341, 58.1-381, and 58.1-441; any payment required to be made with respect to an election to file an extension of time within which to file such a return; any payment of estimated tax required pursuant to Article 19 and Article 20 of Chapter 3 of Title 58.1; and any payment of consumer use tax made with a return filed pursuant to § 58.1-341.

B. The Department shall waive interest as otherwise required for late payments pursuant to Chapter 6 of Title 58.1 on any sales tax payment originally due March 20, 2020 for which a waiver of penalty was granted by the Department of Taxation, provided that such payment is submitted to the Department of Taxation on or before April 20, 2020.

§ 3-5.23 CORPORATE INCOME TAX INFORMATIONAL REPORTING

A.1. Corporations that are members of a unitary business must file a report, in a manner prescribed by the Tax Commissioner, for the unitary combined group containing the unitary combined net income of such group. The report shall be based on taxable year 2019 computations and include, at a minimum the difference in tax owed as a result of filing a unitary combined report, computed according to the method or methods specified by the Tax Commissioner, compared to the tax owed under the current

filing requirements.

2. "Unitary business" means a single economic enterprise made up either of separate parts of a single business entity or of a commonly controlled group of business entities that are sufficiently interdependent, integrated, and interrelated through their activities so as to provide a synergy and mutual benefit that produces a sharing or exchange of value among them and a significant flow of value to the separate parts. A "unitary business" includes that part of the business that meets the definition in this section and is conducted by a taxpayer through the taxpayer's interest in a partnership, whether the interest in that partnership is held directly or indirectly through a series of partnerships or other pass-through entities. A "unitary business" shall not include persons subject to, or that would be subject to if doing business in the Commonwealth, the insurance premiums license tax under Chapter 25 (§ 58.1-2500 et seq.), Code of Virginia, or the bank franchise tax under Chapter 12 (§ 58.1-1200 et seq.).

3. The report must be submitted to the Department of Taxation on or before July 1, 2021, which date shall not be extended.

4. Members of a unitary combined group shall exclude as a member and disregard the income and apportionment factors of any corporation incorporated in a foreign jurisdiction (a "foreign corporation") if the average of its property, payroll and sales factors outside the United States is eighty percent (80%) or more. If a foreign corporation is includible as a member in the unitary combined group, to the extent that such foreign corporation's income is subject to the provisions of a federal income tax treaty, such income is not includible in the unitary combined group net income. Such member shall also not include in the unitary combined report any expenses or apportionment factors attributable to income that is subject to the provisions of a federal income tax treaty. For purposes of this paragraph, "federal income tax treaty" means a comprehensive income tax treaty between the United States and a foreign jurisdiction, other than a foreign jurisdiction which the organization for economic co-operation and development has determined has not committed to the internationally agreed tax standard, or has committed to the international agreed tax standard but has not yet substantially implemented that standard, as identified in the then-current organization for economic co-operation and development progress report.

B. The Tax Commissioner shall on or before December 1, 2021, based on the information provided in income tax returns and the data submitted under this section, submit a report to the Chair of the Senate Finance and Appropriations Committee, the Chair of the House Appropriations Committee, and the Chair of the House Finance Committee.

§ 3-5.24 INDIVIDUAL INCOME TAX REBATE

In addition to any refund due pursuant to § 58.1-309 of the Code of Virginia, and for taxable years beginning on and after January 1, 2021, but before January 1, 2022, an individual filing a return on or before November 1, 2022 or married persons filing a joint return on or before November 1, 2022 shall be issued a refund in an amount up to \$250 for an individual, or \$500 for married persons filing a joint return. An individual shall only be allowed a refund pursuant to this enactment up to the amount of such individual's tax liability after the application of any deductions, subtractions, or credits to which the individual is entitled pursuant to Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 of the Code of Virginia. Married persons filing a joint return shall only be allowed a refund pursuant to this enactment up to the amount of such married persons' tax liability after the application of any deductions, subtractions, or credits to which the married persons are entitled pursuant to Chapter 3 of Title 58.1 of the Code of Virginia. Any refund issued pursuant to this enactment shall be subject to collection under the provisions of the Setoff Debt Collection Act (§ 58.1-520 et seq. of the Code of Virginia). For taxpayers filing a return before July 1, 2022, refunds due pursuant to this enactment shall be issued on or after July 1, 2022 but before October 17, 2022. For taxpayers filing a return on or after July 1, 2022, refunds due pursuant to this enactment shall be issued on or after July 1, 2022 but no later than 4 months after such return is filed. In no case shall any interest be paid on any refund due pursuant to this enactment.

§ 3-6.00 ADJUSTMENTS AND MODIFICATIONS TO FEES

§ 3-6.01 RECORDATION TAX FEE

There is hereby assessed a twenty dollar fee on (i) every deed for which the state recordation tax is collected pursuant to §§ 58.1-801 A and 58.1-803, Code of Virginia; and (ii) every certificate of satisfaction admitted under § 55.1-345, Code of Virginia. The revenue generated from fifty percent of such fee shall be deposited to the general fund. The revenue generated from the other fifty percent of such fee shall be deposited to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, as established in § 10.1-2128.1, Code of Virginia. The funds deposited to this subfund shall be disbursed for the agricultural best management practices cost share program, pursuant to § 10.1-2128.1, Code of Virginia.

§ 3-6.02 ANNUAL VEHICLE REGISTRATION FEE (\$4.25 FOR LIFE)

Notwithstanding § 46.2-694 paragraph 13 of the Code of Virginia, the additional fee that shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle shall be \$6.25.

§ 3-6.03 DRIVERS LICENSE REINSTATEMENT FEE

A. Notwithstanding § 46.2-411 of the Code of Virginia, the drivers license reinstatement fee payable to the Trauma Center Fund shall be \$100.

B. Notwithstanding the provisions of § 46.2-395 of the Code of Virginia, no court shall suspend any person's privilege to drive a

1 motor vehicle solely for failure to pay any fines, court costs, forfeitures, restitution, or penalties assessed against such person.
2 The Commissioner of the Department of Motor Vehicles shall reinstate a person's privilege to drive a motor vehicle that was
3 suspended prior to July 1, 2019, solely pursuant to § 46.2-395 of the Code of Virginia and shall waive all fees relating to
4 reinstating such person's driving privileges including those paid to the Trauma Center Fund. Nothing herein shall require the
5 Commissioner to reinstate a person's driving privileges if such privileges have been otherwise lawfully suspended or revoked or
6 if such person is otherwise ineligible for a driver's license.

7 § 3-6.04 ASSESSMENT OF ELECTRONIC SUMMONS FEE BY LOCALITIES

8 Nothing in § 17.1-279.1 of the Code of Virginia shall be construed to authorize any county, city, or town to assess the sum set
9 forth therein upon any summons issued by a law-enforcement agency of the Commonwealth.

10 § 3-6.05 PROCEDURES FOR PREPAYMENT OF CIVIL PENALTIES IN AN EXECUTIVE ORDER

11 Any civil penalty under § 44-146.17(1) shall be prepayable in the amount set by executive order and in accordance with § 16.1-
12 69.40:2 B of the Code of Virginia. Any civil penalty amount set by executive order shall not be construed or interpreted so as to
13 limit the discretion of any trial judge trying individual cases at the time fixed for trial.

PART 4: GENERAL PROVISIONS

§ 4-0.00 OPERATING POLICIES

§ 4-0.01 OPERATING POLICIES

a. Each appropriating act of the General Assembly shall be subject to the following provisions and conditions, unless specifically exempt elsewhere in this act.

b. All appropriations contained in this act, or in any other appropriating act of the General Assembly, are declared to be maximum appropriations and conditional on receipt of revenue.

c. The Governor, as chief budget officer of the state, shall ensure that the provisions and conditions as set forth in this section are strictly observed.

d. Public higher education institutions are not subject to the provisions of § 2.2-4800, Code of Virginia, or the provisions of the Department of Accounts' Commonwealth Accounting Policies and Procedures manual (CAPP) topic 20505 with regard to students who are veterans of the United States armed services and National Guard and are in receipt of federal educational benefits under the G.I. Bill. Public higher education shall establish internal procedures for the continued enrollment of such students to include resolution of outstanding accounts receivable.

e. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia) shall not apply to grants made in support of the 2019 Commemoration to non-profit entities organized under § 501 (c)(3) of the Internal Revenue Code.

f. 1. The State Council of Higher Education for Virginia shall establish a policy for granting undergraduate course credit to entering freshman students who have taken one or more Advanced Placement, Cambridge Advanced (A/AS), College-Level Examination Program (CLEP), or International Baccalaureate examinations by August 1, 2017. The policy shall:

a) Outline the conditions necessary for each public institution of higher education to grant course credit, including the minimum required scores on such examinations;

b) Identify the course credit or other academic requirements of each public institution of higher education that the student satisfies by achieving the minimum required scores on such examinations; and

c) Ensure, to the extent possible, that the grant of course credit is consistent across each public institution of higher education and each such examination.

2. The Council and each public institution of higher education shall make the policy available to the public on its website.

g. 1. Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § 54.1-2345 of the Code of Virginia, or any joint meeting of such entities, may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body or common interest community association as defined in § 54.1-2345 of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.

2. A public body or governing board convening a meeting in accordance with this subdivision shall:

a) Give notice to the public or common interest community association members using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body or governing board conducting the meeting;

b) Make arrangements for public access or common interest community association members access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public or common interest community association members with an opportunity to comment; and

3. Public bodies must otherwise comply with the provisions of § 2.2-3708.2 of the Code of Virginia. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the public body or governing board.

h. Notwithstanding § 2.2-1510 B., Code of Virginia, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, during a state of emergency as declared by the Governor, shall hold at least one, but up to four, public hearings, on the budget bill the Governor submits for the 2021 Regular Session and may hold such hearings through electronic means, if deemed necessary, to ensure the safety of all participants

§ 4-1.00 APPROPRIATIONS

§ 4-1.01 PREREQUISITES FOR PAYMENT

a. The State Comptroller shall not pay any money out of the state treasury except pursuant to appropriations in this act or in any other act of the General Assembly making an appropriation during the current biennium.

b. Moneys shall be spent solely for the purposes for which they were appropriated by the General Assembly, except as specifically provided otherwise by § 4-1.03 Appropriation Transfers, § 4-4.01 Capital Projects, or § 4-5.01 a. Settlement of Claims with Individuals. Should the Governor find that moneys are not being spent in accordance with provisions of the act appropriating them, he shall restrain the State Comptroller from making further disbursements, in whole or in part, from said appropriations. Further, should the Auditor of Public Accounts determine that a state or other agency is not spending moneys in accordance with provisions of the act appropriating them, he shall so advise the Governor or other governing authority, the State Comptroller, the Chairman of the Joint Legislative Audit and Review Commission, and Chairmen of the Senate Finance and House Appropriations Committees.

c. Exclusive of revenues paid into the general fund of the state treasury, all revenues earned or collected by an agency, and contained in an appropriation item to the agency shall be expended first during the fiscal year, prior to the expenditure of any general fund appropriation within that appropriation item, unless prohibited by statute or by the terms and conditions of any gift, grant or donation.

§ 4-1.02 WITHHOLDING OF SPENDING AUTHORITY

a. For purposes of this subsection, withholding of spending authority is defined as any action pursuant to a budget reduction plan approved by the Governor to address a declared shortfall in budgeted revenue that impedes or limits the ability to spend appropriated moneys, regardless of the mechanism used to effect such withholding.

b.1. Changed Expenditure Factors: The Governor is authorized to reduce spending authority, by withholding allotments of appropriations, when expenditure factors, such as enrollments or population in institutions, are smaller than the estimates upon which the appropriation was based. Moneys generated from the withholding action shall not be reallocated for any other purpose, provided the withholding of allotments of appropriations under this provision shall not occur until at least 15 days after the Governor has transmitted a statement of changed factors and intent to withhold moneys to the Chairmen of the House Appropriations and Senate Finance Committees.

2. Moneys shall not be withheld on the basis of reorganization plans or program evaluations until such plans or evaluations have been specifically presented in writing to the General Assembly at its next regularly scheduled session.

c. Increased Nongeneral Fund Revenue:

1. General fund appropriations to any state agency for operating expenses are supplemental to nongeneral fund revenues collected by the agency. To the extent that nongeneral fund revenues collected in a fiscal year exceed the estimate on which the operating budget was based, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an equivalent amount. However, this limitation shall not apply to (a) restricted excess tuition and fees for educational and general programs in the institutions of higher education, as defined in § 4-2.01 c of this act; (b) appropriations to institutions of higher education designated for fellowships, scholarships and loans; (c) gifts or grants which are made to any state agency for the direct costs of a stipulated project; (d) appropriations to institutions for the mentally ill or intellectually disabled payable from the Behavioral Health and Developmental Services Revenue Fund; and (e) general fund appropriations for highway construction and mass transit. Moneys unallotted under this provision shall not be reallocated for any other purpose.

2. To the degree that new or additional grant funds become available to supplement general fund appropriations for a program, following enactment of an appropriation act, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an amount equivalent to that provided from grant funds, unless such action is prohibited by the original provider of the grant funds. The withholding action shall not include general fund appropriations, which are required to match grant funds. Moneys unallotted under this provision shall not be reallocated for any other purpose.

d. Reduced General Fund Resources:

1. The term "general fund resources" as applied in this subsection includes revenues collected and paid into the general fund of the state treasury during the current biennium, transfers to the general fund of the state treasury during the current biennium, and all unexpended balances brought forward from the previous biennium.

2. In the event that general fund resources are estimated by the Governor to be insufficient to pay in full all general fund appropriations authorized by the General Assembly, the Governor shall, subject to the qualifications herein contained, withhold general fund spending authority, by withholding allotments of appropriations, to prevent any expenditure in excess of the estimated general fund resources available.

3. In making this determination, the Governor shall take into account actual general fund revenue collections for the current fiscal year and the results of a formal written re-estimate of general fund revenues for the current and next biennium, prepared within the previous 90 days, in accordance with the process specified in § 2.2-1503, Code of Virginia. Said re-estimate of general fund revenues shall be communicated to the Chairmen of the Senate Finance, House Appropriations and House Finance Committees, prior to taking action to reduce general fund allotments of appropriations on account of reduced resources.

4.a) In addition to monthly reports on the status of revenue collections relative to the current fiscal year's estimate, the Governor shall provide a written quarterly assessment of the current economic outlook for the remainder of the fiscal year to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

b) Within five business days after the preliminary close of the state accounts at the end of the fiscal year, the State Comptroller shall provide the Governor with the actual total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes for the just-completed fiscal year, with a comparison of such actual totals with the total of such taxes in the official budget estimate for that fiscal year. If that comparison indicates that the total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes, as shown on the preliminary close, was one percent or more below the amount of such taxes in the official budget estimate for the just-completed fiscal year, the Governor shall prepare a written re-estimate of general fund revenues for the current biennium and the next biennium in accordance with § 2.2-1503, Code of Virginia, to be reported to the Chairmen of the Senate Finance, House Finance and House Appropriations Committees, not later than September 1 following the close of the fiscal year.

5.a) The Governor shall take no action to withhold allotments until a written plan detailing specific reduction actions approved by the Governor, identified by program and appropriation item, has been presented to the Chairmen of the House Appropriations and Senate Finance Committees. Subsequent modifications to the approved reduction plan also must be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, prior to withholding allotments of appropriations.

b) In addition to the budget reduction plan approved by the Governor, all budget reduction proposals submitted by state agencies to the Governor or the Governor's staff, including but not limited to the Department of Planning and Budget, the Governor's Cabinet secretaries, or the Chief of Staff, whether submitted electronically or otherwise, shall be made available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees concurrently with that budget reduction plan.

6. In effecting the reduction of expenditures, the Governor shall not withhold allotments of appropriations for:

a) More than 15 percent cumulatively of the annual general fund appropriation contained in this act for operating expenses of any one state or nonstate agency or institution designated in this act by title, and the exact amount withheld, by state or nonstate agency or institution, shall be reported within five calendar days to the Chairmen of the Senate Finance and House Appropriations Committees. State agencies providing funds directly to grantees named in this act shall not apportion a larger cut to the grantee than the proportional cut apportioned to the agency. Without regard to § 4-5.05 b.4. of this act, the remaining appropriation to the grantee which is not subject to the cut, equal to at least 85 percent of the annual appropriation, shall be made by July 31, or in two equal installments, one payable by July 31 and the other payable by December 31, if the remaining appropriation is less than or equal to \$500,000, except in cases where the normal conditions of the grant dictate a different payment schedule.

b) The payment of principal and interest on the bonded debt or other bonded obligations of the Commonwealth, its agencies and its authorities, or for payment of a legally authorized deficit.

c) The payments for care of graves of Confederate and historical African American dead.

d) The employer contributions, and employer-paid member contributions, to the Social Security System, Virginia Retirement System, Judicial Retirement System, State Police Officers Retirement System, Virginia Law Officers Retirement System, Optional Retirement Plan for College and University Faculty, Optional Retirement Plan for Political Appointees, Optional Retirement Plan for Superintendents, the Volunteer Service Award Program, the Virginia Retirement System's group life insurance, sickness and disability, and retiree health care credit programs for state employees, state-supported local employees and teachers. If the Virginia Retirement System Board of Trustees approves a contribution rate for a fiscal year that is lower than the rate on which the appropriation was based, or if the United States government approves a Social Security rate that is lower than that in effect for the current budget, the Governor may withhold excess contributions. However, employer and employee paid rates or contributions for health insurance and matching deferred compensation for state employees, state-supported local employees and teachers may not be increased or decreased beyond the amounts approved by the General Assembly. Payments for the employee benefit programs listed in this paragraph may not be delayed beyond the customary billing cycles that have been established by law or policy by the governing board.

e) The payments in fulfillment of any contract awarded for the design, construction and furnishing of any state building.

f) The salary of any state officer for whom the Constitution of Virginia prohibits a change in salary.

g) The salary of any officer or employee in the Executive Department by more than two percent (irrespective of the fund source for payment of salaries and wages); however, the percentage of reduction shall be uniformly applied to all employees within the Executive Department.

h) The appropriation supported by the State Bar Fund, as authorized by § 54.1-3913, Code of Virginia, unless the supporting revenues for such appropriation are estimated to be insufficient to pay the appropriation.

7. The Governor is authorized to withhold specific allotments of appropriations by a uniform percentage, a graduated reduction or on an individual basis, or apply a combination of these actions, in effecting the authorized reduction of expenditures, up to the maximum of 15 percent, as prescribed in subdivision 6a of this subsection.

8. Each nongeneral fund appropriation shall be payable in full only to the extent the nongeneral fund revenues from which the appropriation is payable are estimated to be sufficient. The Governor is authorized to reduce allotments of nongeneral fund appropriations by the amount necessary to ensure that expenditures do not exceed the supporting revenues for such appropriations; however, the Governor shall take no action to reduce allotments of appropriations for major nongeneral fund sources on account of reduced revenues until such time as a formal written re-estimate of revenues for the current and next biennium, prepared in accordance with the process specified in § 2.2-1503, Code of Virginia, has been reported to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees. For purposes of this subsection, major nongeneral fund sources are defined as Highway Maintenance and Operating Fund and Transportation Trust Fund.

9. Notwithstanding any contrary provisions of law, the Governor is authorized to transfer to the general fund on June 30 of each year of the biennium, or within 20 days from that date, any available unexpended balances in other funds in the state treasury, subject to the following:

a) The Governor shall declare in writing to the Chairmen of the Senate Finance and House Appropriations Committees that a fiscal emergency exists which warrants the transfer of nongeneral funds to the general fund and reports the exact amount of such transfer within five calendar days of the transfer;

b) No such transfer may be made from retirement or other trust accounts, the State Bar Fund as authorized by § 54.1-3913, Code of Virginia, debt service funds, or federal funds; and

c) The Governor shall include for informative purposes, in the first biennial budget he submits subsequent to the transfer, the amount transferred from each account or fund and recommendations for restoring such amounts.

10. The Director, Department of Planning and Budget, shall make available via electronic means a report of spending authority withheld under the provisions of this subsection to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the action to withhold. Said report shall include the amount withheld by agency and appropriation item.

11. If action to withhold allotments of appropriation under this provision is inadequate to eliminate the imbalance between projected general fund resources and appropriations, the Speaker of the House of Delegates and the President pro tempore of the Senate shall be advised in writing by the Governor, so that they may consider requesting a special session of the General Assembly.

§ 4-1.03 APPROPRIATION TRANSFERS

GENERAL

a. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority from one state or other agency to another, to effect the following:

1) distribution of amounts budgeted in the central appropriation to agencies, or withdrawal of budgeted amounts from agencies in accordance with specific language in the central appropriation establishing reversion clearing accounts;

2) distribution of pass-through grants or other funds held by an agency as fiscal agent;

3) correction of errors within this act, where such errors have been identified in writing by the Chairmen of the House Appropriations and Senate Finance Committees;

4) proper accounting between fund sources 0100 and 0300 in higher education institutions;

5) transfers specifically authorized elsewhere in this act or as specified in the Code of Virginia;

6) to supplement capital projects in order to realize efficiencies or provide for cost overruns unrelated to changes in size or scope; or

7) to administer a program for another agency or to effect budgeted program purposes approved by the General Assembly, pursuant to a signed agreement between the respective agencies.

b. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority within an agency to effect proper accounting between fund sources and to effect program purposes approved by the General Assembly, unless specifically provided otherwise in this act or as specified in the Code of Virginia. However, appropriation authority for local aid programs and aid to individuals, with the exception of student financial aid, shall not be transferred elsewhere without advance notice to the Chairmen of the House Appropriations and Senate Finance Committees. Further, any transfers between capital projects shall be made only to realize efficiencies or provide for cost overruns unrelated to changes in size or scope.

c.1. In addition to authority granted elsewhere in this act, the Director, Department of Planning and Budget, may transfer operating appropriations authority among sub-agencies within the Judicial System, the Department of Corrections, and the Department of Behavioral Health and Developmental Services to effect changes in operating expense requirements which may occur during the biennium.

2. The Director, Department of Planning and Budget, may transfer appropriations from the Department of Behavioral Health and Developmental Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided by its institutions and Community Services Boards.

3. The Director, Department of Planning and Budget, may transfer appropriations from the Office of Comprehensive Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided to eligible children.

4. The Director, Department of Planning and Budget, may transfer an appropriation or portion thereof within a state or other agency, or from one such agency to another, to support changes in agency organization, program or responsibility enacted by the General Assembly to be effective during the current biennium.

5. The Director, Department of Planning and Budget, may transfer appropriations from the second year to the first year, with said transfer to be reported in writing to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the transfer, when the expenditure of such funds is required to:

a) address a threat to life, safety, health or property, or

b) provide for unbudgeted cost increases for statutorily required services or federally mandated services, in order to continue those services at the present level, or

c) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or

d) provide for payments to the beneficiaries of certain public safety officers killed in the line of duty, as authorized in Title 2.2, Chapter 4, Code of Virginia and for payments to the beneficiaries of certain members of the National Guard and United States military reserves killed in action in any armed conflict on or after October 7, 2001, as authorized in § 44-93.1 B., Code of Virginia, or

e) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in workload such as enrollment, caseload or like factors, or unanticipated costs, or

f) to address unanticipated business or industrial development opportunities which will benefit the state's economy, provided that any such appropriations be used in a manner consistent with the purposes of the program as originally appropriated.

6. An appropriation transfer shall not occur except through properly executed appropriation transfer documents designed specifically for that purpose, and all transactions effecting appropriation transfers shall be entered in the state's computerized budgeting and accounting systems.

7. The Director, Department of Planning and Budget, may transfer from any other agency, appropriations to supplement any project of the Virginia Public Building Authority authorized by the General Assembly and approved by the Governor. Such capital project shall be transferred to the state agency designated as the managing agency for the Virginia Public Building Authority.

8. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 of Title 15.2 of the Code of Virginia (§ 15.2-4100 et seq.) or the consolidation of a city and a county into a single city pursuant to the provisions of Chapter 35 of Title 15.2, Code of Virginia (§ 15.2-3500 et seq.) subsequent to July 1, 1999, the provisions of § 15.2-1302 shall govern distributions from state agencies to the county in which the town is situated or to the consolidated city, and the Director, Department of Planning and Budget, is authorized to transfer appropriations or portions thereof within a state agency, or from one such agency to another, if necessary to fulfill the requirements of § 15.2-1302.

§ 4-1.04 APPROPRIATION INCREASES

a. UNAPPROPRIATED NONGENERAL FUNDS:

1. Sale of Surplus Materials:

The Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of credit resulting from the sale of surplus materials under the provisions of § 2.2-1125, Code of Virginia.

2. Insurance Recovery:

The Director, Department of Planning and Budget, shall increase the appropriation authority for any state agency by the amount of the proceeds of an insurance policy or from the State Insurance Reserve Trust Fund, for expenditures as far as may be necessary, to pay for the repair or replacement of lost, damaged or destroyed property, plant or equipment.

3. Gifts, Grants and Other Nongeneral Funds:

a) Subject to § 4-1.02 c, Increased Nongeneral Fund Revenue, and the conditions stated in this section, the Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of the proceeds of donations, gifts, grants or other nongeneral funds paid into the state treasury in excess of such appropriations during a fiscal year. Such appropriations shall be increased only when the expenditure of moneys is authorized elsewhere in this act or is required to:

1) address a threat to life, safety, health or property or

2) provide for unbudgeted increases in costs for services required by statute or services mandated by the federal government, in order to continue those services at the present level or implement compensation adjustments approved by the General Assembly, or

3) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or

4) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in noncredit instruction at institutions of higher education or business and industrial development opportunities which will benefit the state's economy, or

5) participate in a federal or sponsored program provided that the provisions of § 4-5.03 shall also apply to increases in appropriations for additional gifts, grants, and other nongeneral fund revenue which require a general fund match as a condition of their acceptance; or

6) realize cost savings in excess of the additional funds provided, or

7) permit a state agency or institution to use a donation, gift or grant for the purpose intended by the donor, or

8) provide for cost overruns on capital projects and for capital projects authorized under § 4-4.01 m of this act, or

9) address caseload or workload changes in programs approved by the General Assembly.

b) The above conditions shall not apply to donations and gifts to the endowment funds of institutions of higher education.

c) Each state agency and institution shall ensure that its budget estimates include a reasonable estimate of receipts from donations, gifts or other nongeneral fund revenue. The Department of Planning and Budget shall review such estimates and verify their accuracy, as part of the budget planning and review process.

d) No obligation or expenditure shall be made from such funds until a revised operating budget request is approved by the Director, Department of Planning and Budget. Expenditures from any gift, grant or donation shall be in accordance with the purpose for which it was made; however, expenditures for property, plant or equipment, irrespective of fund source, are subject to the provisions of §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects General, and 4-5.03 b Services and Clients-New Services, of this act.

e) Nothing in this section shall exempt agencies from complying with § 4-2.01 a Solicitation and Acceptance of Donations, Gifts, Grants, and Contracts of this act.

4. Any nongeneral fund cash balance recorded on the books of the Department of Accounts as unexpended on the last day of the fiscal year may be appropriated for use in the succeeding fiscal year with the prior written approval of the Director, Department of Planning and Budget, unless the General Assembly shall have specifically provided otherwise. Revenues deposited to the Virginia Health Care Fund shall be used only as the state share of Medicaid, unless the General Assembly specifically authorizes an alternate use. With regard to the appropriation of other nongeneral fund cash balances, the Director shall make a listing of such transactions available to the public via electronic means no less than ten business days following the approval of the appropriation of any such balance.

5. Reporting:

The Director, Department of Planning and Budget, shall make available via electronic means a report on increases in

unappropriated nongeneral funds in accordance with § 4-8.00, Reporting Requirements, or as modified by specific provisions in this subsection.

b. AGRIBUSINESS EQUIPMENT FOR THE DEPARTMENT OF CORRECTIONS

The Director of the Department of Planning and Budget may increase the Department of Corrections appropriation for the purchase of agribusiness equipment or the repair or construction of agribusiness facilities by an amount equal to fifty percent of any annual amounts in excess of fiscal year 1992 deposits to the general fund from agribusiness operations. It is the intent of the General Assembly that appropriation increases for the purposes specified shall not be used to reduce the general fund appropriations for the Department of Corrections.

§ 4-1.05 REVERSION OF APPROPRIATIONS AND REAPPROPRIATIONS

a. GENERAL FUND OPERATING EXPENSE:

1.a) General fund appropriations which remain unexpended on (i) the last day of the previous biennium or (ii) the last day of the first year of the current biennium, shall be reappropriated and allotted for expenditure where required by the Code of Virginia, where necessary for the payment of preexisting obligations for the purchase of goods or services, or where desirable, in the determination of the Governor, to address any of the six conditions listed in § 4-1.03 c.5 of this act or to provide financial incentives to reduce spending to effect current or future cost savings. With the exception of the unexpended general fund appropriations of agencies in the Legislative Department, the Judicial Department, the Independent Agencies, or institutions of higher education, all other such unexpended general fund appropriations unexpended on the last day of the previous biennium or the last day of the first year of the current biennium shall revert to the general fund.

b) General fund appropriations for agencies in the Legislative Department, the Judicial Department, and the Independent Agencies shall be reappropriated, except as may be specifically provided otherwise by the General Assembly. General fund appropriations shall also be reappropriated for institutions of higher education, subject to § 23.1-1002, Code of Virginia.

c) To improve the stability in institutional planning and predictability for students and families to prepare for the cost of higher education, public higher education institutions are encouraged to employ the financial management strategy of establishing an institutional reserve fund supported by any unexpended education and general appropriations of the institution at the end of the fiscal year. The establishment of such a fund is designed to foster more long-term planning, promote efficient resource utilization and reduce the need for substantial year-to-year increases in tuition, thereby increasing affordability for Virginians. Independent of the provisions of § 23.1-1001, institutions are authorized to carry over education and general unexpended balances to establish and maintain a reserve fund in an amount not to exceed six percent of their general fund appropriation for educational and general programs in the most recently-completed fiscal year. Any use of the reserve fund shall be approved by the Board of Visitors of the affected institution, and the institution shall immediately report the details of the approved plan for use of the reserve fund to the Governor, the Secretary of Education, the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees. Any reserve fund shall be subject to the provisions of § 23.1-1303.B.11.

2. a. The Governor shall report within five calendar days after completing the reappropriation process to the Chairmen of the Senate Finance and House Appropriations Committees on the reappropriated amounts for each state agency in the Executive Department. He shall provide a preliminary report of reappropriation actions on or before November 1 and a final report on or before December 20 to the Chairmen of the House Appropriations and Senate Finance Committees.

b. The Director, Department of Planning and Budget, may transfer reappropriated amounts within an agency to cover nonrecurring costs.

3. Pursuant to subsection E of § 2.2-1125, Code of Virginia, the determination of compliance by an agency or institution with management standards prescribed by the Governor shall be made by the Secretary of Finance and the Secretary having jurisdiction over the agency or institution, acting jointly.

4. The general fund resources available for appropriation in the first enactment of this act include the reversion of certain unexpended balances in operating appropriations as of June 30 of the prior fiscal year, which were otherwise required to be reappropriated by language in the Appropriation Act.

5. Upon request, the Director, Department of Planning and Budget, shall provide a report to the Chairmen of the House Appropriations and Senate Finance Committees showing the amount reverted for each agency and the total amount of such reversions.

b. NONGENERAL FUND OPERATING EXPENSE:

Based on analysis by the State Comptroller, when any nongeneral fund has had no increases or decreases in fund balances for a period of 24 months, the State Comptroller shall promptly transfer and pay the balance into the fund balance of the general fund. If it is subsequently determined that an appropriate need warrants repayment of all or a portion of the amount transferred, the Director, Department of Planning and Budget shall include repayment in the next budget bill submitted to the General Assembly. This provision does not apply to funds held in trust by the Commonwealth.

c. CAPITAL PROJECTS:

1. Upon certification by the Director, Department of Planning and Budget, the State Comptroller is hereby authorized to revert to the fund balance of the general fund any portion of the unexpended general fund cash balance and corresponding appropriation or reappropriation for a capital project when the Director determines that such portion is not needed for completion of the project. The State Comptroller may similarly return to the appropriate fund source any part of the unexpended nongeneral fund cash balance and reduce any appropriation or reappropriation which the Director determines is not needed to complete the project.

2. The unexpended general fund cash balance and corresponding appropriation or reappropriation for capital projects shall revert to and become part of the fund balance of the general fund during the current biennium as of the date the Director, Department of Planning and Budget, certifies to the State Comptroller that the project has been completed in accordance with the intent of the appropriation or reappropriation and there are no known unpaid obligations related to the project. The State Comptroller shall return the unexpended nongeneral fund cash balance, if there be any, for such completed project to the source from which said nongeneral funds were obtained. Likewise, he shall revert an equivalent portion of the appropriation or reappropriation of said nongeneral funds.

3. The Director, Department of Planning and Budget, may direct the restoration of any portion of the reverted amount if he shall subsequently verify an unpaid obligation or requirement for completion of the project. In the case of a capital project for which an unexpended cash balance was returned and appropriation or reappropriation was reverted in the prior biennium, he may likewise restore any portion of such amount under the same conditions.

§ 4-1.06 LIMITED ADJUSTMENTS OF APPROPRIATIONS

a. LIMITED CONTINUATION OF APPROPRIATIONS.

Notwithstanding any contrary provision of law, any unexpended balances on the books of the State Comptroller as of the last day of the previous biennium shall be continued in force for such period, not exceeding 10 days from such date, as may be necessary in order to permit payment of any claims, demands or liabilities incurred prior to such date and unpaid at the close of business on such date, and shown by audit in the Department of Accounts to be a just and legal charge, for values received as of the last day of the previous biennium, against such unexpended balances.

b. LIMITATIONS ON CASH DISBURSEMENTS.

Notwithstanding any contrary provision of law, the State Comptroller may begin preparing the accounts of the Commonwealth for each subsequent fiscal year on or about 10 days before the start of such fiscal year. The books will be open only to enter budgetary transactions and transactions that will not require the receipt or disbursement of funds until after June 30. Should an emergency arise, or in years in which July 1 falls on a weekend requiring the processing of transactions on or before June 30, the State Comptroller may, with notification to the Auditor of Public Accounts, authorize the disbursement of funds drawn against appropriations of the subsequent fiscal year, not to exceed the sum of three million dollars (\$3,000,000) from the general fund. This provision does not apply to debt service payments on bonds of the Commonwealth which shall be made in accordance with bond documents, trust indentures, and/or escrow agreements.

§ 4-1.07 ALLOTMENTS

Except when otherwise directed by the Governor within the limits prescribed in §§ 4-1.02 Withholding of Spending Authority, 4-1.03 Appropriation Transfers, and 4-1.04 Appropriation Increases of this act, the Director, Department of Planning and Budget, shall prepare and act upon the allotment of appropriations required by this act, and by § 2.2-1819, Code of Virginia, and the authorizations for rates of pay required by this act. Such allotments and authorizations shall have the same effect as if the personal signature of the Governor were subscribed thereto. This section shall not be construed to prohibit an appeal by the head of any state agency to the Governor for reconsideration of any action taken by the Director, Department of Planning and Budget, under this section.

§ 4-2.00 REVENUES

§ 4-2.01 NONGENERAL FUND REVENUES

a. SOLICITATION AND ACCEPTANCE OF DONATIONS, GIFTS, GRANTS, AND CONTRACTS:

1. a) No state agency shall solicit or accept any donation, gift, grant, or contract without the written approval of the Governor except under written guidelines issued by the Governor which provide for the solicitation and acceptance of nongeneral funds, except that donations or gifts to the Virginia War Memorial Foundation that are small in size and number and valued at less than \$5,000, such as library items or small display items, may be approved by the Executive Director of the Virginia War Memorial in consultation with the Secretary of Veterans Affairs and Homeland Security. All other gifts and donations to the Virginia War Memorial Foundation must receive written approval from the Secretary of Veterans Affairs and Homeland Security.

b) The limits on solicitation and acceptance of donations, gifts, grants, and contracts stated in paragraph 1.a) above shall not apply to donations, gifts, grants, and contracts associated with support and/or response to the needs and impacts of the COVID-19 pandemic provided that acceptance of such does not create any ongoing commitments against general or nongeneral fund resources of the Commonwealth.

2. The Governor may issue policies in writing for procedures which allow state agencies to solicit and accept nonmonetary donations, gifts, grants, or contracts except that donations, gifts and grants of real property shall be subject to § 4-4.00 of this act and § 2.2-1149, Code of Virginia. This provision shall apply to donations, gifts and grants of real property to endowment funds of institutions of higher education, when such endowment funds are held by the institution in its own name and not by a separately incorporated foundation or corporation.

3. The preceding subdivisions shall not apply to property and equipment acquired and used by a state agency or institution through a lease purchase agreement and subsequently donated to the state agency or institution during or at the expiration of the lease purchase agreement, provided that the lessor is the Virginia College Building Authority.

4. The use of endowment funds for property, plant or equipment for state-owned facilities is subject to §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects-General and 4-5.03 Services and Clients of this act.

5. Notwithstanding any other provision of law, public institutions of higher education may enter into agreements or contracts with nonprofit organizations that provide funding for research or other mission related activities and require use of binding arbitration or application of the laws of another jurisdiction, upon approval of the Office of the Attorney General.

b. HIGHER EDUCATION TUITION AND FEES

1. Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, all nongeneral fund collections by public institutions of higher education, including collections from the sale of dairy and farm products, shall be deposited in the state treasury in accordance with § 2.2-1802, Code of Virginia, and expended by the institutions of higher education in accordance with the appropriations and provisions of this act, provided, however, that this requirement shall not apply to private gifts, endowment funds, or income derived from endowments and gifts.

2. a) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all resident student groups based on, but not limited to, competitive market rates, provided that the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

b) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all nonresident student groups based on, but not limited to, competitive market rates, provided that: i) the tuition and mandatory educational and general fee rates for nonresident undergraduate and graduate students cover at least 100 percent of the average cost of their education, as calculated through base adequacy guidelines adopted, and periodically amended, by the Joint Subcommittee Studying Higher Education Funding Policies, and ii) the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

c) For institutions charging nonresident students less than 100 percent of the cost of education, the State Council of Higher Education for Virginia may authorize a phased approach to meeting this requirement, when in its judgment, it would result in annual tuition and fee increases for nonresident students that would discourage their enrollment.

d) The Boards of Visitors or other governing bodies of institutions of higher education shall not increase the current proportion of nonresident undergraduate students if the institution's nonresident undergraduate enrollment exceeds 25 percent, unless: i) such enrollment is intended to support workforce development needs within the Commonwealth of Virginia as identified in consultation with the Virginia Economic Development Partnership, and ii) the number of in-state undergraduate students does not drop below fall 2018 full-time equivalent census levels as certified by the State Council of Higher Education for Virginia. Norfolk State University, Virginia Military Institute, Virginia State University, and two-year public institutions are exempt from this restriction. Any such increases shall be limited to no more than a one percentage point increase over the prior year.

3. a) In setting the nongeneral fund appropriation for educational and general programs at the institutions of higher education, the General Assembly shall take into consideration the appropriate student share of costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

b) In determining the appropriate state share of educational costs for resident students, the General Assembly shall seek to cover at least 67 percent of educational costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

4. a) Each institution and the State Council of Higher Education for Virginia shall monitor tuition, fees, and other charges, as well as

the mix of resident and nonresident students, to ensure that the primary mission of providing educational opportunities to citizens of Virginia is served, while recognizing the material contributions provided by the presence of nonresident students. The State Council of Higher Education for Virginia shall also develop and enforce uniform guidelines for reporting student enrollments and the domiciliary status of students.

b) The State Council of Higher Education for Virginia shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than August 1 of each year the annual change in total charges for tuition and all required fees approved and allotted by the Board of Visitors. As it deems appropriate, the State Council of Higher Education for Virginia shall provide comparative national, peer, and market data with respect to charges assessed students for tuition and required fees at institutions outside of the Commonwealth.

c) Institutions of higher education are hereby authorized to make the technology service fee authorized in Chapter 1042, 2003 Acts of Assembly, part of ongoing tuition revenue. Such revenues shall continue to be used to supplement technology resources at the institutions of higher education.

d) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 144 and 145 of the 2019 Acts of Assembly, each institution shall work with the State Council of Higher Education for Virginia and the Virginia College Savings Plan to determine appropriate tuition and fee estimates for tuition savings plans.

5. It is the intent of the General Assembly that each institution's combined general and nongeneral fund appropriation within its educational and general program closely approximate the anticipated annual budget each fiscal year.

6. Nonresident graduate students employed by an institution as teaching assistants, research assistants, or graduate assistants and paid at an annual contract rate of \$4,000 or more may be considered resident students for the purposes of charging tuition and fees.

7. The fund source "Higher Education Operating" within educational and general programs for institutions of higher education includes tuition and fee revenues from nonresident students to pay their proportionate share of the amortized cost of the construction of buildings approved by the Commonwealth of Virginia Educational Institutions Bond Act of 1992 and the Commonwealth of Virginia Educational Facilities Bond Act of 2002.

8. a) 1) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly, mandatory fees for purposes other than educational and general programs shall not be increased for Virginia undergraduates beyond three percent annually, excluding requirements for wage, salary, and fringe benefit increases, authorized by the General Assembly. Fee increases required to carry out actions that respond to mandates of federal agencies are also exempt from this provision, provided that a report on the purposes of the amount of the fee increase is submitted to the Chairmen of the House Appropriations and Senate Finance Committees by the institution of higher education at least 30 days prior to the effective date of the fee increase.

2) The University of Mary Washington is hereby authorized to undertake a review of its tuition and fee structure for the purpose of more closely aligning auxiliary fees, including room, board, and the comprehensive fee, with auxiliary expenditure budgets. Adjustments to mandatory fees in auxiliary programs may exceed three percent subject to annual approval by the University's Board of Visitors to the extent required to effect budgetary alignment of revenues and expenditures. This exemption will be limited to the period beginning in fiscal year 2019-20 and extending through the end of fiscal year 2023-24.

b) This restriction shall not apply in the following instances: fee increases directly related to capital projects authorized by the General Assembly; fee increases to support student health services; and other fee increases specifically authorized by the General Assembly.

c) Due to the small mandatory non-educational and general program fees currently assessed students in the Virginia Community College System, increases in any one year of no more than \$15 shall be allowed on a cost-justified case-by-case basis, subject to approval by the State Board for Community Colleges.

9. Any institution of higher education granting new tuition waivers to resident or nonresident students not authorized by the Code of Virginia must absorb the cost of any discretionary waivers.

10. Tuition and fee revenues from nonresident students taking courses through Virginia institutions from the Southern Regional Education Board's Southern Regional Electronic Campus must exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the Board of Visitors of the institution.

c. HIGHER EDUCATION PLANNED EXCESS REVENUES:

An institution of higher education, except for those public institutions governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly, may generate and retain tuition and fee revenues in excess of those

provided in § 4-2.01 b Higher Education Tuition and Fees, subject to the following:

1. Such revenues are identified by language in the appropriations in this act to any such institution.
2. The use of such moneys is fully documented by the institution to the Governor prior to each fiscal year and prior to allotment.
3. The moneys are supplemental to, and not a part of, ongoing expenditure levels for educational and general programs used as the basis for funding in subsequent biennia.
4. The receipt and expenditure of these moneys shall be recorded as restricted funds on the books of the Department of Accounts and shall not revert to the surplus of the general fund at the end of the biennium.
5. Tuition and fee revenues generated by the institution other than as provided herein shall be subject to the provisions of § 4-1.04 a.3 Gifts, Grants, and Other Nongeneral Funds of this act.

§ 4-2.02 GENERAL FUND REVENUE

a. STATE AGENCY PAYMENTS INTO GENERAL FUND:

1. Except as provided in § 4-2.02 a.2., all moneys, fees, taxes, charges and revenues received at any time by the following agencies from the sources indicated shall be paid immediately into the general fund of the state treasury:

a) Marine Resources Commission, from all sources, except:

- 1) Revenues payable to the Public Oyster Rocks Replenishment Fund established by § 28.2-542, Code of Virginia.
- 2) Revenue payable to the Virginia Marine Products Fund established by § 3.2-2705, Code of Virginia.
- 3) Revenue payable to the Virginia Saltwater Recreational Fishing Development Fund established by § 28.2-302.3, Code of Virginia.
- 4) Revenue payable to the Marine Fishing Improvement Fund established by § 28.2-208, Code of Virginia.
- 5) Revenue payable to the Marine Habitat and Waterways Improvement Fund established by § 28.2-1206, Code of Virginia.
- 6) Revenue payable to the Oyster Leasing Conservation and Replenishment Programs Fund.

b1) Department of Labor and Industry, or any other agency, for the administration of the state labor and employment laws under Title 40.1, Code of Virginia.

2) Department of Labor and Industry, from boiler and pressure vessel inspection certificate fees, pursuant to § 40.1-51.15, Code of Virginia.

c) All state institutions for the mentally ill or intellectually disabled, from fees or per diem paid employees for the performance of services for which such payment is made, except for a fee or per diem allowed by statute to a superintendent or staff member of any such institution when summoned as a witness in any court.

d) Secretary of the Commonwealth, from all sources.

e) The Departments of Corrections and Juvenile Justice, as required by law, including revenues from sales of dairy and other farm products.

f) Auditor of Public Accounts, from charges for audits or examinations when the law requires that such costs be borne by the county, city, town, regional government or political subdivision of such governments audited or examined.

g) Department of Education, from repayment of student scholarships and loans, except for the cost of such collections.

h) Department of the Treasury, from the following source:

Fees collected for handling cash and securities deposited with the State Treasurer pursuant to § 46.2-454, Code of Virginia.

i) Attorney General, from recoveries of attorneys' fees and costs of litigation.

j) Department of Social Services, from net revenues received from child support collections after all disbursements are made in accordance with state and federal statutes and regulations, and the state's share of the cost of administering the programs is paid.

k) Department of General Services, from net revenues received from refunds of overpayments of utilities charges in prior fiscal years, after deduction of the cost of collection and any refunds due to the federal government.

l) Without regard to paragraph e) above, the following revenues shall be excluded from the requirement for deposit to the general

fund and shall be deposited as follows: (1) payments to Virginia Correctional Enterprises shall be deposited into the Virginia Correctional Enterprises Fund; (2) payments to the Departments of Corrections and Juvenile Justice for work performed by inmates, work release prisoners, probationers or wards, which are intended to cover the expenses of these inmates, work release prisoners, probationers, or wards, shall be retained by the respective agencies for their use; and (3) payments to the Departments of Corrections and Juvenile Justice for work performed by inmates in educational programs shall be retained by the agency to increase vocational training activities and to purchase work tools and work clothes for inmates, upon release.

2. The provisions of § 4-2.02 a.1. State Agency Payments into General Fund shall not apply to proceeds from the sale of surplus materials pursuant to § 2.2-1125, Code of Virginia. However, the State Comptroller is authorized to transfer to the general fund of the state treasury, out of the credits under § 4-1.04 a.1 Unappropriated Nongeneral Funds – Sale of Surplus Materials of this act, sums derived from the sale of materials originally purchased with general fund appropriations. The State Comptroller may authorize similar transfers of the proceeds from the sale of property not subject to § 2.2-1124, Code of Virginia, if said property was originally acquired with general fund appropriations, unless the General Assembly provides otherwise.

a. Without regard to § 4-2.02 a.1 above, payments to the Treasurer of Virginia assessed to insurance companies for the safekeeping and handling of securities or surety bonds deposited as insurance collateral shall be deposited into the Insurance Collateral Assessment Fund to defray such safekeeping and handling expenses.

b. DEFINITION OF GENERAL FUND REVENUE FOR PERSONAL PROPERTY RELIEF ACT

Notwithstanding any contrary provision of law, for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia, the term general fund revenues, excluding transfers, is defined as (i) all state taxes, including penalties and interest, required and/or authorized to be collected and paid into the general fund of the state treasury pursuant to Title 58.1, Code of Virginia; (ii) permits, fees, licenses, fines, forfeitures, charges for services, and revenue from the use of money and property required and/or authorized to be paid into the general fund of the treasury; and (iii) amounts required to be deposited to the general fund of the state treasury pursuant to § 4-2.02 a.1., of this act. However, in no case shall (i) lump-sum payments, (ii) one-time payments not generated from the normal operation of state government, or (iii) proceeds from the sale of state property or assets be included in the general fund revenue calculations for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia.

c. DATE OF RECEIPT OF REVENUES:

All June general fund collections received under Subtitle I of Title 58.1, Code of Virginia, bearing a postmark date or electronic transactions with a settlement or notification date on or before the first business day in July, when June 30 falls on a Saturday or Sunday, shall be considered as June revenue and recorded under guidelines established annually by the Department of Accounts.

d. RECOVERIES BY THE OFFICE OF THE ATTORNEY GENERAL

1. As a condition of the appropriation for Item 59 of this Act, there is hereby created the Disbursement Review Committee (the "Committee"), the members of which are the Attorney General, who shall serve as chairman; two members of the House of Delegates appointed by the Speaker of the House; two members of the Senate appointed by the Chairman of the Senate Committee on Rules; and two members appointed by the Governor.

2. Whenever forfeitures are available for distribution by the Attorney General through programs overseen by either the U.S. Department of Justice Asset Forfeiture Program or the U.S. Treasury Executive Office for Asset Forfeiture, by virtue of the Attorney General's participation on behalf of the Commonwealth or on behalf of an agency of the Commonwealth, the Attorney General shall seek input from the Committee, to the extent permissible under applicable federal law and guidelines, for the preparation of a proposed Distribution Plan (the "Plan") regarding the distribution and use of money or property, or both. If a federal entity must approve the Plan for such distribution or use, or both, and does not approve the Plan submitted by the Attorney General, the Plan may be revised if deemed appropriate and resubmitted to the federal entity for approval following notification of the Committee. If the federal entity approves the original Plan or a revised Plan, the Attorney General shall inform the Committee, and ensure that such money or property, or both, is distributed or used, or both, in a manner that is consistent with the Plan approved by the federal entity. The distribution of any money or property, or both, shall be done in a manner as prescribed by the State Comptroller and consistent with any federal authorization in order to ensure proper accounting on the books of the Commonwealth.

§ 4-2.03 INDIRECT COSTS

a. INDIRECT COST RECOVERIES FROM GRANTS AND CONTRACTS:

Each state agency, including institutions of higher education, which accepts a grant or contract shall recover full statewide and agency indirect costs unless prohibited by the grantor agency or exempted by provisions of this act.

b. AGENCIES OTHER THAN INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by all agencies other than institutions of higher education:

1. The Governor shall include in the recommended nongeneral fund appropriation for each agency in this act the amount which the agency includes in its revenue estimate as an indirect cost recovery. The recommended nongeneral fund appropriations shall reflect the indirect costs in the program incurring the costs.

2. If actual agency indirect cost recoveries exceed the nongeneral fund amount appropriated in this act, the Director, Department of Planning and Budget, is authorized to increase the nongeneral fund appropriation to the agency by the amount of such excess indirect cost recovery. Such increase shall be made in the program incurring the costs.

3. Statewide indirect cost recoveries shall be paid into the general fund of the state treasury, unless the agency is specifically exempted from this requirement by language in this act. Any statewide indirect cost recoveries received by the agency in excess of the exempted sum shall be deposited to the general fund of the state treasury.

c. INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by institutions of higher education:

1. Seventy percent shall be retained by the institution as an appropriation of moneys for the conduct and enhancement of research and research-related requirements. Such moneys may be used for payment of principal of and interest on bonds issued by or for the institution pursuant to § 23.1-1106, Code of Virginia, for any appropriate purpose of the institution, including, but not limited to, the conduct and enhancement of research and research-related requirements.

2. Thirty percent of the indirect cost recoveries for the level of sponsored programs authorized in the appropriations in Part 1 of Chapter 1042 of the Acts of Assembly of 2003, shall be included in the educational and general revenues of the institution to meet administrative costs.

3. Institutions of higher education may retain 100 percent of the indirect cost recoveries related to research grant and contract levels in excess of the levels authorized in Chapter 1042 of the Acts of Assembly of 2003. This provision is included as an additional incentive for increasing externally funded research activities.

d. REPORTS

The Director, Department of Planning and Budget, shall make available via electronic means a report to the Chairmen of the Senate Finance and House Appropriations Committees and the public no later than September 1 of each year on the indirect cost recovery moneys administratively appropriated.

e. REGULATIONS:

The State Comptroller is hereby authorized to issue regulations to carry out the provisions of this subsection, including the establishment of criteria to certify that an agency is in compliance with the provisions of this subsection.

§ 4-3.00 DEFICIT AUTHORIZATION AND TREASURY LOANS

§ 4-3.01 DEFICITS

a. GENERAL:

1. Except as provided in this section no state agency shall incur a deficit. No state agency receiving general fund appropriations under the provisions of this act shall obligate or expend moneys in excess of its general fund appropriations, nor shall it obligate or expend moneys in excess of nongeneral fund revenues that are collected and appropriated.

2. The Governor is authorized to approve deficit funding for a state agency under the following conditions:

a) an unanticipated federal or judicial mandate has been imposed,

b) insufficient moneys are available in the first year of the biennium for start-up of General Assembly-approved action, or

c) delay pending action by the General Assembly at its next legislative session will result in the curtailment of services required by statute or those required by federal mandate or will produce a threat to life, safety, health or property.

d) Such approval by the Governor shall be in writing under the conditions described in § 4-3.02 a Authorized Deficit Loans of this act and shall be promptly communicated to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval.

3. Deficits shall not be authorized for capital projects.

4. The Department of Transportation may obligate funds in excess of the current biennium appropriation for projects of a capital nature not covered by § 4-4.00 Capital Projects, of this act provided such projects a) are delineated in the Virginia Transportation

Six-Year Improvement Program, as approved by the Commonwealth Transportation Board; and b) have sufficient cash allocated to each such project to cover projected costs in each year of the Program; and provided that c) sufficient revenues are projected to meet all cash obligations for such projects as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.

b. UNAUTHORIZED DEFICITS: If any agency contravenes any of the prohibitions stated above, thereby incurring an unauthorized deficit, the Governor is hereby directed to withhold approval of such excess obligation or expenditure. Further, there shall be no reimbursement of said excess, nor shall there be any liability or obligation upon the state to make any appropriation hereafter to meet such unauthorized deficit. Further, those members of the governing board of any such agency who shall have voted therefor, or its head if there be no governing board, making any such excess obligation or expenditure shall be personally liable for the full amount of such unauthorized deficit and, at the discretion of the Governor, shall be deemed guilty of neglect of official duty and be subject to removal therefor. Further, the State Comptroller is hereby directed to make public any such unauthorized deficit, and the Director, Department of Planning and Budget, is hereby directed to set out such unauthorized deficits in the next biennium budget. In addition, the Governor is directed to bring this provision of this act to the attention of the members of the governing board of each state agency, or its head if there be no governing board, within two weeks of the date that this act becomes effective. The governing board or the agency head shall execute and return to the Governor a signed acknowledgment of such notification.

c. TOTAL AUTHORIZED DEFICITS: The amount which the Governor may authorize, under the provisions of this section during the current biennium, to be expended from loans repayable out of the general fund of the state treasury, for all state agencies, or other agencies combined, in excess of general fund appropriations for the current biennium, shall not exceed one and one-half percent (1 1/2%) of the revenues collected and paid into the general fund of the state treasury as defined in § 4-2.02 b. of this act during the last year of the previous biennium and the first year of the current biennium.

d. The Governor shall report any such authorized and unauthorized deficits to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval. By August 15 of each year, the Governor shall provide a comprehensive report to the Chairmen of the House Appropriations and Senate Finance Committees detailing all such deficits.

§ 4-3.02 TREASURY LOANS

a. AUTHORIZED DEFICIT LOANS: A state agency requesting authorization for deficit spending shall prepare a plan for the Governor's review and approval, specifying appropriate financial, administrative and management actions necessary to eliminate the deficit and to prevent future deficits. If the Governor approves the plan and authorizes a state agency to incur a deficit under the provisions of this section, the amount authorized shall be obtained by the agency by borrowing the authorized amount on such terms and from such sources as may be approved by the Governor. At the close of business on the last day of the current biennium, any unexpended balance of such loan shall be applied toward repayment of the loan, unless such action is contrary to the conditions of the loan approval. The Director, Department of Planning and Budget, shall set forth in the next biennial budget all such loans which require an appropriation for repayment. A copy of the approved plan to eliminate the deficit shall be transmitted to the Chairmen of the House Appropriations and the Senate Finance Committees within five calendar days of approval.

b. ANTICIPATION LOANS: Authorization for anticipation loans are limited to the provisions below.

1.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans shall not exceed the amount of the anticipated collections of such revenues and shall be repaid only from such revenues when collected.

b) When the payment of authorized obligations for capital expenses is required prior to the collection of nongeneral fund revenues or proceeds from authorized debt, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans in anticipation of bond proceeds shall not exceed the amount of the anticipated proceeds from debt authorized by the General Assembly and shall be repaid only from such proceeds when collected.

2. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet the projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed twelve months.

3. Before an anticipation loan for a capital project is authorized, the agency shall develop a plan for financing such capital project; approval of the State Treasurer shall be obtained for all plans to incur authorized debt.

4. Anticipation loans for capital projects shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium.

5. To ensure that such loans are repaid as soon as practical and economical, the Department of Planning and Budget shall monitor the construction and expenditure schedules of all approved capital projects that will be paid for with proceeds from authorized debt and have anticipation loans.

6. Unless otherwise prohibited by federal or state law, the State Treasurer shall charge current market interest rates on anticipation loans made for operating purposes and capital projects subject to the following:

a) Anticipation loans for capital projects for which debt service will be paid with general fund appropriations shall be exempt from interest payments on borrowed balances.

b) Interest payments on anticipation loans for nongeneral fund capital projects or nongeneral fund operating expenses shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan or from the proceeds of authorized debt without the approval of the State Treasurer.

c) REPORTING: All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

c. ANTICIPATION LOANS FOR PROJECTS NOT INCLUDED IN THIS ACT OR FOR PROJECTS AUTHORIZED UNDER § 4-4.01M: Authorization for anticipation loans for projects not included in this act or for projects authorized under § 4-4.01 m are limited to the provisions below:

1. Such loans are limited to those projects that shall be repaid from revenues derived from nongeneral fund sources.

2.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sum with the prior written approval of the Secretary of Finance or his designee as to the amount, terms, and sources of such funds. Such loans shall not exceed the amount of the anticipated collections of such nongeneral fund revenues and shall be repaid only from such nongeneral fund revenues when collected.

b) When the payment of obligations for capital expenses for projects authorized under § 4-4.01 m is required prior to the collection of nongeneral fund revenues, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds. Such loans shall be repaid only from nongeneral fund revenues associated with the project.

3. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed 12 months.

4. Before an anticipation loan is provided for a capital project authorized under § 4-4.01 m, the agency shall develop a plan for repayment of such loan and approval of the Director of the Department of Planning and Budget shall be obtained for all such plans and reported to the Chairman of the House Appropriations and Senate Finance Committees.

5. Anticipation loans for capital projects authorized under § 4-4.01 m shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium. Such loans shall be repaid only from nongeneral fund revenues associated with the project.

6. The State Treasurer shall charge current market interest rates on anticipation loans made for capital projects authorized under § 4-4.01 m. Interest payments on anticipation loans for nongeneral fund capital projects authorized under § 4-4.01 m shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan without the approval of the Director of the Department of Planning and Budget.

a) REPORTING: All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

§ 4-3.03 LONG-TERM LEASES

a. GENERAL:

1. As part of their capital budget submission, all agencies and institutions of the Commonwealth proposing building projects that may qualify as long-term lease agreements, as defined in Generally Accepted Accounting Principles (GAAP), and that may be supported in whole, or in part, from appropriations provided for in this act, shall submit copies of such proposals to the Directors of the Departments of Planning and Budget and General Services, the State Comptroller, and the State Treasurer based on guidelines promulgated by the Secretary of Finance. In addition, the Secretary of Finance may promulgate guidelines for the review and approval of such requests.

2. The proposals shall be submitted in such form as the Secretary of Finance may prescribe. The Comptroller and the Director, Department of General Services shall be responsible for evaluating the proposals to determine if they qualify as long-term lease

agreements. The State Treasurer shall be responsible for incorporating existing and authorized long-term lease agreements meeting the approved parameters into the annual Debt Capacity Advisory Committee reports.

b. APPROVAL OF FINANCINGS:

1. For any project which qualifies as a long-term lease, as defined in the preceding subdivisions a 1 and 2, and which is financed through the issuance of securities, the Treasury Board shall approve the terms and structure of such financing pursuant to § 2.2-2416, Code of Virginia.

2. For any project for which costs will exceed \$5,000,000 and which is financed through a long-term lease transaction, the Treasury Board shall approve the financing terms and structure of such long-term lease in addition to such other reviews and approvals as may be required by law. Prior to consideration by the Treasury Board, the Departments of Accounts shall notify the Treasury Board of any transaction determined to be a long-term lease. Additionally, the Departments of General Services and Planning and Budget shall notify the Treasury Board upon their approval of any transaction which qualifies as a long-term lease under the terms of this section. The State Treasurer shall notify the Chairmen of the House Appropriations and Senate Finance Committees of the action of the Treasury Board as it regards this subdivision within five calendar days of its action.

c. REPORTS: Not later than December 20 of each year, the Secretary of Finance and the Secretary of Administration shall jointly be responsible for providing the Chairmen of the House Appropriations and Senate Finance Committees with recommendations involving proposed long-term lease agreements.

d. This section shall not apply to long-term leases that are funded entirely with nongeneral fund revenues and are entered into by public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly. Furthermore, the Department of General Services is authorized to enter into long-term leases for executive branch agencies provided that the resulting long-term lease is funded entirely with nongeneral funds, is approved based on the requirements of § 4-3.03 b.1 and 2 above, and would not be considered tax supported debt of the Commonwealth.

§ 4-4.00 CAPITAL PROJECTS

§ 4-4.01 GENERAL

a. Definition:

1. Unless defined otherwise, when used in this section, "capital project" or "project" means acquisition of property and new construction and improvements related to state-owned property, plant or equipment (including plans therefor), as the terms "acquisition", "new construction", and "improvements" are defined in the instructions for the preparation of the Executive Budget. "Capital project" or "project" shall also mean any improvements to property leased for use by a state agency, and not owned by the state, when such improvements are financed by public funds, except as hereinafter provided in subdivisions 3 and 4 of this subsection.

2. The provisions of this section are applicable equally to acquisition of property and plant by purchase, gift, or any other means, including the acquisition of property through a lease/purchase contract, regardless of the method of financing or the source of funds. Acquisition of property by lease shall be subject to § 4-3.03 of this act.

3. The provisions of this section shall not apply to property or equipment acquired by lease or improvements to leased property and equipment when the improvements are provided by the lessor pursuant to the terms of the lease and upon expiration of the lease remain the property of the lessor.

4. The provisions of this section shall not apply to property leased by state agencies for the purposes described in §§ 2.2-1151 C and 33.2-1010, Code of Virginia.

b. Notwithstanding any other provisions of law, requests for appropriations for capital projects shall be subject to the following:

1. The agency shall submit a capital project proposal for all requested capital projects. Such proposals shall be submitted to the Director, Department of Planning and Budget, for review and approval in accordance with guidelines prescribed by the director. Projects shall be developed to meet agency functional and space requirements within a cost range comparable to similar public and private sector projects.

2. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly, financings for capital projects shall comply, where applicable, with the Treasury Board Guidelines issued pursuant to § 2.2-2416, Code of Virginia, and any subsequent amendments thereto.

3. As part of any request for appropriations for an armory, the Department of Military Affairs shall obtain a written commitment from the host locality to share in the operating expense of the armory.

c. Each agency head shall provide annually to the Director, Department of Planning and Budget, a report on the use of the

1 maintenance reserve appropriation of the agency in Part 2 of this act. In the use of its maintenance reserve appropriation, an agency
 2 shall give first priority to the repair or replacement of roof on buildings under control of the agency. The agency head shall certify in
 3 the agency's annual maintenance reserve report that to the best of his or her knowledge, all necessary roof repairs have been
 4 accomplished or are in the process of being accomplished. Such roof repairs and replacements shall be in accord with the technical
 5 requirements of the Commonwealth's Construction and Professional Services Manual.

6 d. The Department of Planning and Budget shall review its approach to capital outlay planning and budgeting from time to time and
 7 make available via electronic means a report of any proposed change to the Chairmen of the House Appropriations and Senate
 8 Finance Committees and the public prior to its implementation. Such report shall include an analysis of the impact of the suggested
 9 change on affected agencies and institutions.

10 e. Nothing in §§ 2-0 and 4-4.00 of this act shall be deemed to override the provisions of §§ [2.2-1132](#) and [62.1-132.6](#), Code of
 11 Virginia, amended by Chapter 488, 1997 Acts of Assembly, relating to Virginia Port Authority capital projects and procurement
 12 activities.

13 f. Legislative Approval: It is the intent of the General Assembly that, with the exceptions noted in this paragraph and paragraph m,
 14 all capital projects to be undertaken by agencies of the Commonwealth, including institutions of higher education, shall be pursuant
 15 to approvals by the General Assembly as provided in the Six-Year Capital Outlay Plan established pursuant to § [2.2-1515](#), et seq.,
 16 Code of Virginia. Otherwise, the consideration of capital projects shall be limited to:

- 17 1. Supplementing projects which have been bid and determined to have insufficient funding to be placed under contract, and
- 18 2. Projects declared by the Governor or the General Assembly to be of an emergency nature, which may avoid an increase in cost or
 19 otherwise result in a measurable benefit to the state, and/or which are required for the continued use of existing facilities.
- 20 3. This paragraph does not prohibit the initiation of projects authorized by § 4-4.01 m hereof, or projects included under the central
 21 appropriations for capital project expenses in this act.

22 g. Preliminary Requirements: In regard to each capital project for which appropriation or reappropriation is made pursuant to this
 23 act, or which is hereafter considered by the Governor for inclusion in the Executive Budget, or which is offered as a gift or is
 24 considered for purchase, the Governor is hereby required: (1) to determine the urgency of its need, as compared with the need for
 25 other capital projects as herein authorized, or hereafter considered; (2) to determine whether the proposed plans and specifications
 26 for each capital project are suitable and adequate, and whether they involve expenditures which are excessive for the purposes
 27 intended; (3) to determine whether labor, materials, and other requirements, if any, needed for the acquisition or construction of such
 28 project can and will be obtained at reasonable cost; and (4) to determine whether or not the project conforms to a site or master plan
 29 approved by the agency head or board of visitors of an institution of higher education for a program approved by the General
 30 Assembly.

31 h. Initiation Generally:

32 1. No architectural or engineering planning for, or construction of, or purchase of any capital project shall be commenced or revised
 33 without the prior written approval of the Governor or his designee.

34 2. The requirements of § [10.1-1190](#), Code of Virginia, shall be met prior to the release of funds for a major state project, provided,
 35 however, that the Governor or his designee is authorized to release from any appropriation for a major state project made pursuant to
 36 this act such sum or sums as may be necessary to pay for the preparation of the environmental impact report required by § [10.1-](#)
 37 [1188](#), Code of Virginia.

38 3. The Governor, at his discretion, or his designee may release from any capital project appropriation or reappropriation made
 39 pursuant to this act such sum (or sums) as may be necessary to pay for the preparation of plans and specifications by architects and
 40 engineers, provided that the estimated cost of the construction covered by such drawings and specifications does not exceed the
 41 appropriation therefor; provided, further, however, that the architectural and engineering fees paid on completion of the preliminary
 42 design for any such project may be based on such estimated costs as may be approved by the Governor in writing, where it is shown
 43 to the satisfaction of the Governor that higher costs of labor or material, or both, or other unforeseen conditions, have made the
 44 appropriation inadequate for the completion of the project for which the appropriation was made, and where in the judgment of the
 45 Governor such changed conditions justify the payment of architectural or engineering fees based on costs exceeding the
 46 appropriation.

47 4. Architectural or engineering contracts shall not be awarded in perpetuity for capital projects at any state institution, agency or
 48 activity.

49 i. Capital Projects Financed with Bonds: Capital projects proposed to be financed with (i) 9 (c) general obligation bonds or (ii) 9(d)
 50 obligations where debt service is expected to be paid from project revenues or revenues of the agency or institution, shall be
 51 reviewed as follows:

- 52 1. By August 15 of each year, requests for inclusion in the Executive Budget of capital projects to be financed with 9(c) general
 53 obligation bonds shall be submitted to the State Treasurer for evaluation of financial feasibility. Submission shall be in accordance

with the instructions prescribed by the State Treasurer. The State Treasurer shall distribute copies of financial feasibility studies to the Director, Department of Planning and Budget, the Secretary for the submitting agency or institution, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, State Council of Higher Education for Virginia, if the project is requested by an institution of higher education.

2. By August 15 of each year, institutions shall also prepare and submit copies of financial feasibility studies to the State Council of Higher Education for Virginia for 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the institution. The State Council of Higher Education for Virginia shall identify the impact of all projects requested by the institutions of higher education, and as described in § 4-4.01 j.1. of this act, on the current and projected cost to students in institutions of higher education and the impact of the project on the institution's need for student financial assistance. The State Council of Higher Education for Virginia shall report such information to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1 of each year.

3. Prior to the issuance of debt for 9(c) general obligation projects, when more than one year has elapsed since the review of financial feasibility specified in § 4-4.01 j 1 above, an updated feasibility study shall be prepared by the agency and reviewed by the State Treasurer prior to requesting the Governor's Opinion of Financial Feasibility required under Article X, Section 9 (c), of the Constitution of Virginia.

j. Transfers to supplement capital projects from nongeneral funds may be made under the conditions set forth in §§ 4-1.03 a, 4-1.04 a.3, and 4-4.01 m of this act.

k.1. Change in Size and Scope: Unless otherwise provided by law, the scope, which is the function or intended use, of any capital project may not be substantively changed, nor its size increased or decreased by more than five percent in size beyond the plans and justification which were the basis for the appropriation or reappropriation in this act or for the Governor's authorization pursuant to § 4-4.01 m of this act. However, this prohibition is not applicable to changes in size and scope required because of circumstances determined by the Governor to be an emergency, or requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds. Furthermore, this prohibition shall not apply to minor increases, beyond five percent, in square footage determined by the Director, Department of General Services, to be reasonable and appropriate based on a written justification submitted by the agency stating the reason for the increase, with the provision that such increase will not increase the cost of the project beyond the amount appropriated; nor to decreases in size beyond five percent to offset unbudgeted costs when such costs are determined by the Director, Department of Planning and Budget, to be reasonable based on a written justification submitted by the agency specifying the amount and nature of the unbudgeted costs and the types of actions that will be taken to decrease the size of the project. The written justification shall also include a certification, signed by the agency head, that the resulting project will be consistent with the original programmatic intent of the appropriations.

2. If space planning, energy conservation, and environmental standards guides for any type of construction have been approved by the Governor or the General Assembly, the Governor shall require capital projects to conform to such planning guides.

1. Projects Not Included In This Act:

1. Authorization by Governor:

a) The Governor may authorize initiation of, planning for, construction of or acquisition of a nongeneral fund capital project not specifically included in this act or provided for a program approved by the General Assembly through appropriations, under one or more of the following conditions:

1) The project is required to meet an emergency situation.

2) The project is to be operated as an auxiliary enterprise or sponsored program in an institution of higher education and will be fully funded by revenues of auxiliary enterprises or sponsored programs.

3) The project is to be operated as an educational and general program in an institution of higher education and will be fully funded by nongeneral fund revenues of educational and general programs or from private gifts and indirect cost recoveries.

4) The project consists of plant or property which has become available or has been received as a gift.

5) The project has been recommended for funding by the Tobacco Indemnification and Community Revitalization Commission or the Virginia Tobacco Settlement Foundation.

b) The foregoing conditions are subject to the following criteria:

1) Funds are available within the appropriations made by this act (including those subject to §§ 4-1.03 a, 4-1.04 a.3, and 4-2.03) without adverse effect on other projects or programs, or from unappropriated nongeneral fund revenues or balances.

2) In the Governor's opinion such action may avoid an increase in cost or otherwise result in a measurable benefit to the state.

3) The authorization includes a detailed description of the project, the project need, the total project cost, the estimated operating costs, and the fund sources for the project and its operating costs.

4) The Chairmen of the House Appropriations and Senate Finance Committees shall be notified by the Governor prior to the authorization of any capital project under the provisions of this subsection.

5) Permanent funding for any project initiated under this section shall only be from nongeneral fund sources.

2. Authorization by Director, Department of Planning and Budget:

a) The Director, Department of Planning and Budget, may authorize initiation of a capital project not included in this act, if the General Assembly has enacted legislation to fund the project from bonds of the Virginia Public Building Authority, Virginia College Building Authority, or from reserves created by refunding of bonds issued by those Authorities.

3. Delegated authorization by Boards of Visitors, Public Institutions of Higher Education:

a) In accordance with § 4-5.06 of this act, the board of visitors of any public institution of higher education that: i) has met the eligibility criteria set forth in Chapters 933 and 945 of the 2005 Acts of Assembly for additional operational and administrative autonomy, including having entered into a memorandum of understanding with the Secretary of Administration for delegated authority of nongeneral fund capital outlay projects, and ii) has received a sum sufficient nongeneral fund appropriation for emergency projects as set out in Part 2: Capital Project Expenses of this act, may authorize the initiation of any capital project that is not specifically set forth in this act provided that the project meets at least one of the conditions and criteria identified in § 4-4.01 m 1 of this act.

b) At least 30 days prior to the initiation of a project under this provision, the board of visitors must notify the Governor and Chairmen of the House Appropriations and Senate Finance Committees and must provide a life-cycle budget analysis of the project. Such analysis shall be in a form to be prescribed by the Auditor of Public Accounts.

c) The Commonwealth of Virginia shall have no general fund obligation for the construction, operation, insurance, routine maintenance, or long-term maintenance of any project authorized by the board of visitors of a public institution of higher education in accordance with this provision.

m. Acquisition, maintenance, and operation of buildings and nonbuilding facilities in colleges and universities shall be subject to the following policies:

1. The anticipated program use of the building or nonbuilding facility should determine the funding source for expenditures for acquisition, construction, maintenance, operation, and repairs.

2. For new campuses to be established within the Virginia Community College System, expenditures for land acquisition, site preparation beyond five feet from a building, and the construction of additional outdoor lighting, sidewalks, outdoor athletic and recreational facilities, and parking lots in the Virginia Community College System shall be made only from appropriated federal funds, Trust and Agency funds, including local government allocations or appropriations, or the proceeds of indebtedness authorized by the General Assembly.

3. The general policy of the Commonwealth shall be that parking services are to be operated as an auxiliary enterprise by all colleges and universities. Institutions should develop sufficient reserves for ongoing maintenance and replacement of parking facilities.

4. Except as provided in paragraph 2 above, expenditures for maintenance, replacement, and repair of outdoor lighting, sidewalks, and other infrastructure facilities may be made from any appropriated funds.

5. Expenditures for operations, maintenance, and repair of athletic, recreational, and public service facilities, both indoor and outdoor, should be from nongeneral funds. However, this condition shall not apply to any indoor recreational facility existing on a community college campus as of July 1, 1988.

6.a.1. At institutions of higher education that have met the eligibility criteria for additional operational and administrative authority as set forth in Chapters 933 and 945 of the 2005 Acts of Assembly or Chapters 824 and 829 of the 2008 Acts of Assembly, any repair, renovation, or new construction project costing up to \$3,000,000 shall be exempt from the capital outlay review and approval process. For purposes of this paragraph, projects shall not include any subset of a series of projects, which in combination would exceed the \$3,000,000 maximum.

2. All state agencies and institutions of higher education shall be exempt from the capital review and approval process for repair, renovation, or new construction projects costing up to \$3,000,000.

b. Blanket authorizations funded entirely by nongeneral funds may be used for 1) renovation and infrastructure projects costing up to \$3,000,000 and 2) the planning of nongeneral fund new construction and renovation projects through bidding, with bid award made after receipt of a construction authorization. The Director, Department of Planning and Budget, may provide exemptions to the threshold.

7. It is the policy of the Commonwealth that the institutions of higher education shall treat the maintenance of their facilities as a priority for the allocation of resources. No appropriations shall be transferred from the "Operation and Maintenance of Plant" subprogram except for closely and definitely related purposes, as approved by the Director, Department of Planning and Budget, or his designee. A report providing the rationale for each approved transfer shall be made to the Chairmen of the House Appropriations and Senate Finance Committees.

n. Legislative Intent and Reporting: Appropriations for capital projects shall be deemed to have been made for purposes which require their expenditure, or being placed under contract for expenditure, during the current biennium. Agencies to which such appropriations are made in this act or any other act are required to report progress as specified by the Governor. If, in the opinion of the Governor, these reports do not indicate satisfactory progress, he is authorized to take such actions as in his judgment may be necessary to meet legislative intent as herein defined. Reporting on the progress of capital projects shall be in accordance with § 4-8.00, Reporting Requirements.

o. No expenditure from a general fund appropriation in this act shall be made to expand or enhance a capital outlay project beyond that anticipated when the project was initially approved by the General Assembly except to comply with requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds. General fund appropriations in excess of those necessary to complete the project shall not be reallocated to expand or enhance the project, or be reallocated to a different project. The prohibitions in this subsection shall not apply to transfers from projects for which reappropriations have been authorized.

p. Local or private funds to be used for the acquisition, construction or improvement of capital projects for state agency use as owner or lessee shall be deposited into the state treasury for appropriation prior to their expenditure for such projects.

q. State-owned Registered Historic Landmarks: To guarantee that the historical and/or architectural integrity of any state-owned properties listed on the Virginia Landmarks Register and the knowledge to be gained from archaeological sites will not be adversely affected because of inappropriate changes, the heads of those agencies in charge of such properties are directed to submit all plans for significant alterations, remodeling, redecoration, restoration or repairs that may basically alter the appearance of the structure, landscaping, or demolition to the Department of Historic Resources. Such plans shall be reviewed within thirty days and the comments of that department shall be submitted to the Governor through the Department of General Services for use in making a final determination.

r.1. The Governor may authorize the conveyance of any interest in property or improvements thereon held by the Commonwealth to the educational or real estate foundation of any institution of higher education where he finds that such property was acquired with local or private funds or by gift or grant to or for the use of the institution, and not with funds appropriated to the institution by the General Assembly. Any approved conveyance shall be exempt from § 2.2-1156, Code of Virginia, and any other statute concerning conveyance, transfer or sale of state property. If the foundation conveys any interest in the property or any improvements thereon, such conveyance shall likewise be exempt from compliance with any statute concerning disposition of state property. Any income or proceeds from the conveyance of any interest in the property shall be deemed to be local or private funds and may be used by the foundation for any foundation purpose.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly.

s.1. Facility Lease Agreements Involving Institutions of Higher Education: In the case of any lease agreement involving state-owned property controlled by an institution of higher education, where the lease has been entered into consistent with the provisions of § 2.2-1155, Code of Virginia, the Governor may amend, adjust or waive any project review and reporting procedures of Executive agencies as may reasonably be required to promote the property improvement goals for which the lease agreement was developed.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly.

t. Energy-efficiency Projects: Improvements to state-owned properties for the purpose of energy-efficiency shall be treated as follows:

1. Such improvements shall be considered an operating expense, provided that:

a) the scope of the project meets or exceeds the applicable energy-efficiency standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Illuminating Engineering Society (IES) standard 90.1-1989 and is limited to measures listed in guidelines issued by the Department of General Services;

b) the project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board approval and is executed through a nonprofessional services contract with a vendor approved by the Department of General Services;

c) the scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy;

d) the total cost does not exceed \$3,000,000; and

e) if the total cost exceeds \$3,000,000, but does not exceed \$7,000,000, the energy savings from the project offset the total cost of the project, including debt service and interest payments.

2. If (a) the total cost of the improvement exceeds \$7,000,000 or (b) the total cost exceeds \$3,000,000, but does not exceed \$7,000,000, and the energy savings from the project do not fully offset the total cost of the project, including debt services and interest payments, the improvement shall be considered a capital expense regardless of the type of improvement and the following conditions must be met:

a) the scope of the project meets or exceeds the applicable energy-efficiency standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Illuminating Engineering Society (IES) standard 90.1-1989 and is limited to measures listed in guidelines issued by the Department of General Services;

b) the project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board approval and is executed through a nonprofessional services contract with a vendor approved by the Department of General Services;

c) the scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy;

d) the project has been reviewed by the Department of Planning and Budget; and

e) the project has been approved by the Governor.

3. If the total project exceeds \$250,000, the agency director will submit written notification to the Director, Department of Planning and Budget, verifying that the project meets all of the conditions in subparagraph 1 above.

The provisions of §§ 2.0 and 4-4.01 of this act and the provisions of § 2.2-1132, Code of Virginia, shall not apply to energy conservation projects that qualify as capital expenses.

4. As used in this paragraph, "improvement" does not include (a) constructing, enlarging, altering, repairing or demolishing a building or structure, (b) changing the use of a building either within the same use group or to a different use group when the new use requires greater degrees of structural strength, fire protection, exit facilities or sanitary provisions, or (c) removing or disturbing any asbestos-containing materials during demolition, alteration, renovation of or additions to building or structures. If the projected scope of an energy-efficiency project includes any of these elements, it shall be subject to the capital outlay process as set out in this section.

5. The Director, Department of Planning and Budget, shall notify the Chairmen of the House Appropriations and Senate Finance Committees upon the initiation of any energy-efficiency projects under the provisions of this paragraph.

u. No expenditures shall be authorized for the purchase of fee simple title to any real property to be used for a correctional facility or for the actual construction of a correctional facility provided for in this act, or by reference hereto, that involves acquisition or new construction of youth or adult correctional facilities on real property which was not owned by the Commonwealth on January 1, 1995, until the governing body of the county, city or town wherein the project is to be located has adopted a resolution supporting the location of such project within the boundaries of the affected jurisdiction. The foregoing does not prohibit expenditures for site studies, real estate options, correctional facility design and related expenditures.

v. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly, any alternative financing agreement entered into between a state agency or institution of higher education and a private entity or affiliated foundation must be reviewed and approved by the Treasury Board.

w. Prior to requesting authorization for new dormitory capital projects, institutions of higher education shall conduct a cost study to determine whether an alternative financing arrangement or public-private transaction would provide a more effective option for the construction of the proposed facility. This study shall be submitted to the Department of Planning and Budget as part of the budget development process and shall be evaluated by the Governor prior to submitting his proposed budget.

x. Construction or improvement projects of the Department of Military Affairs are not exempt from the capital outlay review process when the state procurement process is utilized, except for those projects with both an estimated cost of \$3,000,000 or less and are 100 percent federally reimbursed. The Department of Military Affairs shall submit by July 30 of each year to the Department of Planning and Budget a list of such projects that were funded pursuant to this exemption in the previous fiscal year and any projects that would be eligible for such funding in future fiscal years.

§ 4-4.02 PLANNING AND BUDGETING

a. It shall be the intent of the General Assembly to make biennial appropriations for a capital improvements program sufficient to address the program needs of the Commonwealth. The capital improvements program shall include maintenance and deferred

1 maintenance of the Commonwealth's existing facilities, and of the facility requirements necessary to deliver the programs of
2 state agencies and institutions.

3 b. In effecting these policies, the Governor shall establish a capital budget plan to address the renewal and replacement of the
4 Commonwealth's physical plant, using such guidelines as recommended by industry or government to maintain the
5 Commonwealth's investment in its property and plant.

6 **§ 4-5.00 SPECIAL CONDITIONS AND RESTRICTIONS ON EXPENDITURES**

7 **§ 4-5.01 TRANSACTIONS WITH INDIVIDUALS**

8 a. SETTLEMENT OF CLAIMS: Whenever a dispute, claim or controversy involving the interest of the Commonwealth is
9 settled pursuant to § 2.2-514, Code of Virginia, payment may be made out of any appropriations, designated by the Governor,
10 to the state agency(ies) which is (are) party to the settlement.

11 b. STUDENT FINANCIAL ASSISTANCE FOR HIGHER EDUCATION:

12 1. General:

13 a) The appropriations made in this act to state institutions of higher education within the Items for student financial assistance
14 may be expended for any one, all, or any combination of the following purposes: grants to undergraduate students enrolled at
15 least one-half time in a degree, certificate, industry-based certification and related programs that do not qualify for other
16 sources of student financial assistance or diploma program; grants to full-time graduate students; graduate assistantships; grants
17 to students enrolled full-time in a dual or concurrent undergraduate and graduate program. The institutions may also use these
18 appropriations for the purpose of supporting work study programs. The institution is required to transfer to educational and
19 general appropriations all funds used for work study or to pay graduate assistantships. Institutions may also contribute to
20 federal or private student grant aid programs requiring matching funds by the institution, except for programs requiring work.
21 The State Council of Higher Education for Virginia shall annually review each institution's plan for the expenditures of its
22 general fund appropriation for undergraduate student financial assistance prior to the start of the fall term to determine program
23 compliance. The institution's plan shall include the institution's assumptions and calculations for determining the cost of
24 attendance, student financial need, and student remaining need as well as an award schedule or description of how funds are
25 awarded. For the purposes of the proposed plan, each community college shall be considered independently. No limitations
26 shall be placed on the awarding of nongeneral fund appropriations made in this act to state institutions of higher education
27 within the Items for student financial assistance other than those found previously in this paragraph and as follows: (i) funds
28 derived from in-state student tuition will not subsidize out-of-state students, (ii) students receiving these funds must be making
29 satisfactory academic progress, (iii) awards made to students should be based primarily on financial need, and (iv) institutions
30 should make larger grant and scholarship awards to students taking the number of credit hours necessary to complete a degree
31 in a timely manner.

32 b) All awards made to undergraduate students from such Items shall be for Virginia students only and such awards shall offset
33 all, or portions of, the costs of tuition and required fees, and, in the case of students qualifying under subdivision b 2 c)1)
34 hereof, the cost of books. All undergraduate financial aid award amounts funded by this appropriation shall be proportionate to
35 the remaining need of individual students, with students with higher levels of remaining need receiving grants before other
36 students. No criteria other than the need of the student shall be used to determine the award amount. Because of the low cost of
37 attendance and recognizing that federal grants provide a much higher portion of cost than at other institutions, a modified
38 approach and minimum award amount for the neediest VGAP student should be implemented for community college and
39 Richard Bland College students based on remaining need and the combination of federal and grant state aid. Student financial
40 need shall be determined by a need-analysis system approved by the Council.

41 c)1) All need-based awards made to graduate students shall be determined by the use of a need-analysis system approved by the
42 Council.

43 2) As part of the six-year financial plans required in the provisions of Chapters 933 and 945 of the 2005 Acts of Assembly,
44 each institution of higher education shall report the extent to which tuition and fee revenues are used to support graduate
45 student aid and graduate compensation and how the use of these funds impacts planned increases in student tuition and fees.

46 d) A student who receives a grant under such Items and who, during a semester, withdraws from the institution which made the
47 award must surrender the unearned portion. The institution shall calculate the unearned portion of the award based on the
48 percentage used for federal Return to Title IV program purposes.

49 e) An award made under such Items to assist a student in attending an institution's summer session shall be prorated according
50 to the size of comparable awards made in that institution's regular session.

51 f) The provisions of this act under the heading "Student Financial Assistance for Higher Education" shall not apply to (1) the
52 soil scientist scholarships authorized under § 23.1-615, Code of Virginia and (2) need-based financial aid programs for
53 industry-based certification and related programs that do not qualify for other sources of student financial assistance, which will

be subject to guidelines developed by the State Council of Higher Education for Virginia.

g) Unless noted elsewhere in this act, general fund awards shall be named "Commonwealth" grants.

h) Unless otherwise provided by statute, undergraduate awards shall not be made to students seeking a second or additional baccalaureate degree until the financial aid needs of first-degree seeking students are fully met.

2. Grants To Undergraduate Students:

a) Each institution which makes undergraduate grants paid from its appropriation for student financial assistance shall expend such sums as approved for that purpose by the Council.

b) A student receiving an award must be duly admitted and enrolled in a degree, certificate or diploma program at the institution making the award, and shall be making satisfactory academic progress as defined by the institution for the purposes of eligibility under Title IV of the federal Higher Education Act, as amended.

c)1) It is the intent of the General Assembly that students eligible under the Virginia Guaranteed Assistance Program (VGAP) authorized in Title 23.1, Chapter 4.4:2, Code of Virginia, shall receive grants before all other students at the same institution with equivalent remaining need from the appropriations for undergraduate student financial assistance found in Part 1 of this act (service area 1081000 - Scholarships). In each instance, VGAP eligible students shall receive awards greater than other students with equivalent remaining need.

2) The amount of each VGAP grant shall vary according to each student's remaining need and the total of tuition, all required fees and the cost of books at the institution the student will attend upon acceptance for admission. The actual amount of the VGAP award will be determined by the proportionate award schedule adopted by each institution; however, those students with the greatest financial need shall be guaranteed an award at least equal to tuition.

3) It is the intent of the General Assembly that the Virginia Guaranteed Assistance Program serve as an incentive to financially needy students now attending elementary and secondary school in Virginia to raise their expectations and their academic performance and to consider higher education an achievable objective in their futures.

4) Students may not receive a VGAP and a Commonwealth grant in the same semester.

3. Grants To Graduate Students:

a) An individual award may be based on financial need but may, in addition to or instead of, be based on other criteria determined by the institution making the award. The amount of an award shall be determined by the institution making the award; however, the Council shall annually be notified as to the maximum size of a graduate award that is paid from funds in the appropriation.

b) A student receiving a graduate award paid from the appropriation must be duly admitted into a graduate degree program at the institution making the award.

c) Not more than 50 percent of the funds designated by an institution as graduate grants from the appropriation, and approved as such by the Council, shall be awarded to persons not eligible to be classified as Virginia domiciliary resident students except in cases where the persons meet the criteria outlined in § 4-2.01b.6.

4. Matching Funds: Any institution of higher education may, with the approval of the Council, use funds from its appropriation for fellowships and scholarships to provide the institutional contribution to any student financial aid program established by the federal government or private sources which requires the matching of the contribution by institutional funds, except for programs requiring work.

5. Discontinued Loan Program:

a) If any federal student loan program for which the institutional contribution was appropriated by the General Assembly is discontinued, the institutional share of the discontinued loan program shall be repaid to the fund from which the institutional share was derived unless other arrangements for the use of the funds are recommended by the Council and approved by the Department of Planning and Budget. Should the institution be permitted to retain the federal contributions to the program, the funds shall be used according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

b)1) An institution of higher education may discontinue its student loan fund established pursuant to Title 23.1, Chapter 4.01, Code of Virginia. The full amount of cash in such discontinued loan fund shall be paid into the state treasury into a nonrevertible nongeneral fund account. Prior to such payment, the State Comptroller shall verify its accuracy, including the fact that the cash held by the institution in the loan fund will be fully depleted by such payment. The loan fund shall not be reestablished thereafter for that institution.

2) The cash so paid into the state treasury shall be used only for grants to undergraduate and graduate students in the Higher Education Student Financial Assistance program according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

3) Payments on principal and interest of any promissory notes held by the discontinued loan fund shall continue to be received by the institution, which shall deposit such payments in the state treasury to the nonrevertible nongeneral fund account specified in subdivision (1) preceding, to be used for grants as specified in subdivision (2) preceding.

6. Reporting: The Council shall collect student-specific information for undergraduate students as is necessary for the operation of the Student Financial Assistance Program. The Council shall maintain regulations governing the operation of the Student Financial Assistance Program based on the provisions outlined in this section, the Code of Virginia, and State Council policy.

C. PAYMENTS TO CITIZEN MEMBERS OF NONLEGISLATIVE BODIES:

Notwithstanding any other provision of law, executive branch agencies shall not pay compensation to citizen members of boards, commissions, authorities, councils, or other bodies from any fund for the performance of such members' duties in the work of the board, commission, authority, council, or other body.

d. VIRGINIA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM

Notwithstanding any other provision of law, the Virginia Birth-Related Neurological Injury Compensation Program is authorized to require each admitted claimant's parent or legal guardian to purchase private health insurance (the "primary payer") to provide coverage for the actual medically necessary and reasonable expenses as described in Virginia Code § 38.2-5009(A)(1) that were, or are, incurred as a result of the admitted claimant's birth-related neurological injury and for the admitted claimant's benefit. Provided, however, that the Program shall reimburse, upon receipt of proof of payment, solely the portion of the premiums that is attributable to the admitted claimant's post-admission coverage from the effective date of this provision forward and paid for by the admitted claimant's parent or legal guardian.

§ 4-5.02 THIRD PARTY TRANSACTIONS

a. EMPLOYMENT OF ATTORNEYS:

1.a) All attorneys authorized by this act to be employed by any state agency and all attorneys compensated out of any moneys appropriated in this session of the General Assembly shall be appointed by the Attorney General and be in all respects subject to the provisions of Title 2.2, Chapter 5, Code of Virginia, to the extent not to conflict with Title 12.1, Chapter 4, Code of Virginia; provided, however, that if the Governor certifies the need for independent legal counsel for any Executive Department agency, such agency shall be free to act independently of the Office of the Attorney General in regard to selection, and provided, further, that compensation of such independent legal counsel shall be paid from the moneys appropriated to such Executive Department agency or from the moneys appropriated to the Office of the Attorney General.

b) For purposes of this act, "attorney" shall be defined as an employee or contractor who represents an agency before a court, board or agency of the Commonwealth of Virginia or political subdivision thereof. This term shall not include members of the bar employed by an agency who perform in a capacity that does not require a license to practice law, including but not limited to, instructing, managing, supervising or performing normal or customary duties of that agency.

2. This section does not apply to attorneys employed by state agencies in the Legislative Department, Judicial Department or Independent Agencies.

3. Reporting on employment of attorneys shall be in accordance with § 4-8.00, Reporting Requirements.

4. Notwithstanding § 2.2-510.1 of the Code of Virginia and any other conflicting provision of law, the Virginia Retirement System may enter into agreements to seek i) recovery of investment losses in foreign jurisdictions, and ii) legal advice related to its investments. Any such agreements shall be reported to the Office of the Attorney General as soon as practicable.

b. STUDIES AND CONSULTATIVE SERVICES REQUIRED BY GENERAL ASSEMBLY: No expenditure for payments on third party nongovernmental contracts for studies or consultative services shall be made out of any appropriation to the General Assembly or to any study group created by the General Assembly, nor shall any such expenditure for third party nongovernmental contracts be made by any Executive Department agency in response to a legislative request for a study, without the prior approval of two of the following persons: the Chairman of the House Appropriations Committee; the Chairman of the Senate Finance Committee; the Speaker of the House of Delegates; the President pro tempore of the Senate. All such expenditures shall be made only in accordance with the terms of a written contract approved as to form by the Attorney General.

c. USE OF CONSULTING SERVICES: All state agencies and institutions of higher education shall make a determination of "return on investment" as part of the criteria for awarding contracts for consulting services.

d. DEBT COLLECTION SERVICES:

1. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Virginia Commonwealth University Health System Authority shall have the option to participate in the Office of the Attorney General's debt collection process. Should the Authority choose not to participate, the Authority shall have the authority to collect its accounts receivable by

engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims.

2. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the University of Virginia Medical Center shall have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims, provided that the University of Virginia demonstrates to the Secretary of Finance that debt collection by an agent other than the Office of the Attorney General is anticipated to be more cost effective. Nothing in this paragraph is intended to limit the ability of the University of Virginia Medical Center from voluntarily contracting with the Office of the Attorney General's Division of Debt Collection in cases where the Center would benefit from the expertise of legal counsel and collection services offered by the Office of the Attorney General.

3. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Department of Taxation shall be exempt from participating in the debt collection process of the Office of the Attorney General.

§ 4-5.03 SERVICES AND CLIENTS

a. CHANGED COST FACTORS:

1.a) No state agency, or its governing body, shall alter factors (e.g., qualification level for receipt of payment or service) which may increase the number of eligible recipients for its authorized services or payments, or alter factors which may increase the unit cost of benefit payments within its authorized services, unless the General Assembly has made an appropriation for the cost of such change.

b) The limits on altering or changing cost factors stated in paragraph 1.a) above shall not apply to changes associated with implementing and/or altering services in response to COVID-19 when funding is provided from a nongeneral fund source dedicated to addressing the impact of COVID-19 or from any source when specifically approved by the Governor in response to the COVID-19 pandemic.

2. Notwithstanding any other provision of law, the Department of Planning and Budget, with assistance from agencies that operate internal service funds as requested, shall establish policies and procedures for annually reviewing and approving internal service fund overhead surcharge rates and working capital reserves.

3. By September 1 each year, state agencies that operate an internal service fund, pursuant to §§ [2.2-803](#), [2.2-1101](#), and [2.2-2013](#), Code of Virginia, that have an impact on agency expenditures, shall submit a report to the Department of Planning and Budget and the Joint Legislative Audit and Review Commission to include all information as required by the Department of Planning and Budget to conduct a thorough review of overhead surcharge rates, revenues, expenditures, full-time positions, and working capital reserves for each internal service fund. The report shall include any proposed modifications in rates to be charged by internal service funds for review and approval by the Department of Planning and Budget. In its review, the Department of Planning and Budget shall determine whether the requested rate modifications are consistent with budget assumptions. The format by which agencies submit the operating plan for each internal service fund shall be determined by the Department of Planning and Budget with assistance from agencies that operate internal service funds as requested.

4. State agencies that operate internal service funds may not change a billable overhead surcharge rate to another state agency unless the resulting change is provided in the final General Assembly enacted budget.

5. State agencies that operate more than one internal service fund shall comply with the review and approval requirements detailed in this Item for each internal service fund.

6. As determined by the Director, Department of Planning and Budget, state agencies that operate select programs where an agency provides a service to and bills other agencies shall be subject to the annual review of the agency's internal service funds consistent with the provisions of this Item, unless such payment for services is pursuant to a memorandum of understanding authorized by § 4-1.03 a. 7 of this act.

7. The Governor is authorized to change internal service fund overhead surcharge rates, including the creation of new rates, beyond the rates enacted in the budget in the event of an emergency or to implement actions approved by the General Assembly, upon prior notice to the Chairmen of the House Appropriations and Senate Finance Committees. Such prior notice shall be no less than five days prior to enactment of a revised or new rate and shall include the basis of the rate change and the impact on state agencies.

8. Notwithstanding any other provision of law, the Commonwealth's statewide electronic procurement system and program known as eVA shall have all rates and working capital reserves reviewed and approved by the Department of Planning and Budget consistent with the provisions of this Item.

9. State agencies that are partially or fully funded with nongeneral funds and are billed for services provided by another state agency shall pay the nongeneral fund cost for the service from the agency's applicable nongeneral fund revenue source consistent with an appropriation proration of such expenses.

b. NEW SERVICES:

1. a) No state agency shall begin any new service that will call for future additional property, plant or equipment or that will require an increase in subsequent general or nongeneral fund operating expenses without first obtaining the authorization of the General Assembly.

b) The limits on establishing new services stated in paragraph 1.a) above shall not apply to new services established to respond to COVID-19 when funding is provided from a nongeneral fund source dedicated to addressing the impact of COVID-19 or from any source when specifically approved by the Governor in response to the COVID-19 pandemic.

2. Pursuant to the policies and procedures of the State Council of Higher Education regarding approval of academic programs and the concomitant enrollment, no state institution of higher education shall operate any academic program with funds in this act unless approved by the Council and included in the Executive Budget, or approved by the General Assembly. The Council may grant exemptions to this policy in exceptional circumstances.

3. a) The General Assembly is supportive of the increasing commitment by both Virginia Tech and the Carilion Clinic to the success of the programs at the Virginia Tech/Carilion School of Medicine and the Virginia Tech/Carilion Research Institute, and encourages these two institutions to pursue further developments in their partnership. Therefore, notwithstanding § 4-5.03 c. of the Appropriation Act, if through the efforts of these institutions to further strengthen the partnership, Virginia Tech acquires the Virginia Tech Carilion School of Medicine during the current biennium, the General Assembly approves the creation and establishment of the Virginia Tech/Carilion School of Medicine within the institution notwithstanding § 23.1-203 Code of Virginia. No additional funds are required to implement establishment of the Virginia Tech/Carilion School of Medicine within the institution.

b) Virginia Tech Carilion School of Medicine is hereby authorized to transfer funds to the Department of Medical Assistance Services to fully fund the state share for Medicaid supplemental payments to the teaching hospital affiliated with the Virginia Tech Carilion School of Medicine. These Medicaid supplemental fee-for-service and/or capitation payments to managed care organizations are for the purpose of securing access to Medicaid hospital services in Western Virginia. The funds to be transferred must comply with 42 CFR 433.51.

4. Reporting on all new services shall be in accordance with § 4-8.00, Reporting Requirements.

c. OFF-CAMPUS SITES OF INSTITUTIONS OF HIGHER EDUCATION:

No moneys appropriated by this act shall be used for off-campus sites unless as provided for in this section.

1. A public college or university seeking to create, establish, or operate an off-campus instructional site, funded directly or indirectly from the general fund or with revenue from tuition and mandatory educational and general fees generated from credit course offerings, shall first refer the matter to the State Council of Higher Education for Virginia for its consideration and approval. The State Council of Higher Education for Virginia may provide institutions with conditional approval to operate the site for up to one year, after which time the college or university must receive approval from the Governor and General Assembly, through legislation or appropriation, to continue operating the site.

2. For the colleges of the Virginia Community College System, the State Board for Community Colleges shall be responsible for approving off-campus locations. Sites governed by this requirement are those at any locations not contiguous to the main campus of the institution, including locations outside Virginia.

3. a) The provisions herein shall not apply to credit offerings on the site of a public or private entity if the offerings are supported entirely with private, local, or federal funds or revenue from tuition and mandatory educational and general fees generated entirely by course offerings at the site.

b) Offerings at previously approved off-campus locations shall also not be subject to these provisions.

c) Further, the provisions herein do not govern the establishment and operations of campus sites with a primary function of carrying out grant and contract research where direct and indirect costs from such research are covered through external funding sources. Such locations may offer limited graduate education as appropriate to support the research mission of the site.

d) Nothing herein shall prohibit an institution from offering non-credit continuing education programs at sites away from the main campus of a college or university.

4. The State Council of Higher Education shall establish guidelines to implement this provision.

d. PERFORMANCE MEASUREMENT

1. In accordance with § 2.2-1501, Code of Virginia, the Department of Planning and Budget shall develop a programmatic budget and accounting structure for all new programs and activities to ensure that it provides the appropriate financial and performance measures to determine if programs achieve desired results and outcomes. The Department of Accounts shall provide assistance as requested by the Department of Planning and Budget. The Department of Planning and Budget shall provide this information each year when the Governor submits the budget in accordance with § 2.2-1509, Code of Virginia, to

the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

2.a) Within thirty days of the enactment of this act, the Director, Department of Planning and Budget, shall make available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees and the public a list of the new initiatives for which appropriations are provided in this act.

b) Not later than ninety days after the end of the first year of the biennium, the Director, Department of Planning and Budget, shall make available via electronic means a report on the performance of each new initiative contained in the list, to be submitted to the Chairmen of the House Appropriations and Senate Finance Committees and the public. The report shall compare the actual results, including expenditures, of the initiative with the anticipated results and the appropriation for the initiative. This information shall be used to determine whether the initiative should be extended beyond the beginning period. In the preparation of this report, all state agencies shall provide assistance as requested by the Department of Planning and Budget.

§ 4-5.04 GOODS AND SERVICES

a. STUDENT ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION:

1. Public Information Encouraged: Each public institution of higher education is expected and encouraged to provide prospective students with accurate and objective information about its programs and services. The institution may use public funds under the control of the institution's Board of Visitors for the development, preparation and dissemination of factual information about the following subjects: academic programs; special programs for minorities; dates, times and procedures for registration; dates and times of course offerings; admission requirements; financial aid; tuition and fee schedules; and other information normally distributed through the college catalog. This information may be presented in any and all media, such as newspapers, magazines, television or radio where the information may be in the form of news, public service announcements or advertisements. Other forms of acceptable presentation would include brochures, pamphlets, posters, notices, bulletins, official catalogs, flyers available at public places and formal or informal meetings with prospective students.

2. Excessive Promotion Prohibited: Each public institution of higher education is prohibited from using public funds under the control of the institution's Board of Visitors for the development, preparation, dissemination or presentation of any material intended or designed to induce students to attend by exaggerating or extolling the institution's virtues, faculty, students, facilities or programs through the use of hyperbole. Artwork and photographs which exaggerate or extol rather than supplement or complement permissible information are prohibited. Mass mailings are generally prohibited; however, either mass mailings or newspaper inserts, but not both, may be used if other methods of distributing permissible information are not economically feasible in the institution's local service area.

3. Remedial Education: Senior institutions of higher education shall make arrangements with community colleges for the remediation of students accepted for admission by the senior institutions.

4. Compliance: The president or chancellor of each institution of higher education is responsible for the institution's compliance with this subsection.

b. INFORMATION TECHNOLOGY FACILITIES AND SERVICES:

1.a) The Virginia Information Technologies Agency shall procure information technology and telecommunications goods and services of every description for its own benefit or on behalf of other state executive branch agencies and institutions, or authorize other state executive branch agencies or institutions to undertake such procurements on their own. "Executive branch agency" means the same as that term is defined in § 2.2-2006.

b) Except for research projects, research initiatives, or instructional programs at public institutions of higher education, or any non-major information technology project request from the Virginia Community College System, Longwood University, or from an institution of higher education which is a member of the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) as of July 1, 2003, or any procurement of information technology and telecommunications goods and services by public institutions of higher education governed by some combination of Chapters 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, requests for authorization from state agencies and institutions to procure information technology and telecommunications goods and services on their own behalf shall be made in writing to the Chief Information Officer or his designee. Members of VASCUPP as of July 1, 2003, are hereby recognized as: The College of William and Mary, George Mason University, James Madison University, Old Dominion University, Radford University, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, and the University of Virginia.

c) The Chief Information Officer or his designee may grant the authorization upon a written determination that the request conforms to the statewide information technology plan and the individual information technology plan of the requesting agency or institution.

d) Any procurement authorized by the Chief Information Officer or his designee for information technology and telecommunications goods and services, including geographic information systems, shall be issued by the requesting state agency or institution in

accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.

e) Nothing in this subsection shall prevent public institutions of higher education or the Virginia Community College System from using the services of Network Virginia.

f) To ensure that the Commonwealth's research universities maintain a competitive position with access to the national optical research network infrastructure including the National LambdaRail and Internet2, the Network Virginia Contract Administrator is hereby authorized to renegotiate the term of the existing contracts. Additionally, the contract administrator is authorized to competitively negotiate additional agreements in accordance with the Code of Virginia and all applicable regulations, as required, to establish and maintain research network infrastructure.

2. If the billing rates and associated systems for computer, telecommunications and systems development services to state agencies are altered, the Director, Department of Planning and Budget, may transfer appropriations from the general fund between programs affected. These transfers are limited to actions needed to adjust for overfunding or underfunding the program appropriations affected by the altered billing systems.

3. The provisions of this subsection shall not in any way affect the duties and responsibilities of the State Comptroller under the provisions of § 2.2-803, Code of Virginia.

4. It is the intent of the General Assembly that information technology (IT) systems, products, data, and service costs, including geographic information systems (GIS), be contained through the shared use of existing or planned equipment, data, or services which may be available or soon made available for use by state agencies, institutions, authorities, and other public bodies. State agencies, institutions, and authorities shall cooperate with the Virginia Information Technologies Agency in identifying the development and operational requirements for proposed IT and GIS systems, products, data, and services, including the proposed use, functionality, capacity and the total cost of acquisition, operation and maintenance.

5. This section shall not apply to public institutions of higher education governed by some combination of Chapters 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly or Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly, or to the Virginia Alcoholic Beverage Control Authority.

6. Notwithstanding any other provision of law, state agencies that do not receive computer services from the Virginia Information Technologies Agency may develop their own policies and procedures governing the sale of surplus computers and laptops to their employees or officials. Any proceeds from the sale of surplus computers or laptops shall be deposited into the appropriate fund or funds used to purchase the equipment.

c. MOTOR VEHICLES AND AIRCRAFT:

1. No motor vehicles shall be purchased or leased with public funds by the state or any officer or employee on behalf of the state without the prior written approval of the Director, Department of General Services.

2. The institutions of higher education and the Alcoholic Beverage Control Authority shall be exempt from this provision but shall be required to report their entire inventory of purchased and leased vehicles including the cost of such to the Director of the Department of General Services by June 30 of each year. The Director of the Department of General Services shall compare the cost of vehicles acquired by institutions of higher education and the Authority to like vehicles under the state contract. If the comparison demonstrates for a given institution or the Authority that the cost to the Commonwealth is greater for like vehicles than would be the case based on a contract of statewide applicability, the Governor or his designee may suspend the exemption granted to the institution or the Authority pursuant to this subparagraph c.

3. The Director, Department of General Services, is hereby authorized to transfer surplus motor vehicles among the state agencies, and determine the value of such surplus equipment for the purpose of maintaining the financial accounts of the state agencies affected by such transfers.

d. MOTION PICTURE, TELEVISION AND RADIO SERVICES PRODUCTION: Except for public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, no state Executive Department agency or the Virginia Lottery Department shall expend any public funds for the production of motion picture films or of programs for television transmission, or for the operation of television or radio transmission facilities, without the prior written approval of the Governor or as otherwise provided in this act, except for educational television programs produced for elementary-secondary education by authority of the Virginia Information Technologies Agency. The Joint Subcommittee on Rules is authorized to provide the approval of such expenditures for legislative agencies. For judicial agencies and independent agencies, other than the Virginia Lottery Department, prior approval action rests with the supervisory bodies of these entities. With respect to television programs which are so approved and other programs which are otherwise authorized or are not produced for television transmission, state agencies may enter into contracts without competitive sealed bidding, or competitive negotiation, for program production and transmission services which are performed by public telecommunications entities, as defined in § 2.2-2006, Code of Virginia.

e. TRAVEL: Reimbursement for the cost of travel on official business of the state government is authorized to be paid pursuant to law and regulations issued by the State Comptroller to implement such law. Notwithstanding any contrary provisions of law:

1. For the use of personal automobiles in the discharge of official duties outside the continental limits of the United States, the State Comptroller may authorize an allowance not exceeding the actual cost of operation of such automobiles;

2. The first 15,000 miles of use during each fiscal year of personal automobiles in the discharge of official duties within the continental limits of the United States shall be reimbursed at an amount equal to the most recent business standard mileage rate as established by the Internal Revenue Service for employees or self-employed individuals to use in computing their income tax deductible costs for operating passenger vehicles owned or leased by them for business purposes, or in the instance of a state employee, at the lesser of (a) the IRS rate or (b) the lowest combined capital and operational trip pool rate charged by the Department of General Services, Office of Fleet Management Services (OFMS), posted on the OFMS website at time of travel, for the use of a compact state-owned vehicle. If the head of the state agency concerned certifies that a state-owned vehicle was not available, or if, according to regulations issued by the State Comptroller, the use of a personal automobile in lieu of a state-owned automobile is considered to be an advantage to the state, the reimbursement shall be at the rate of the IRS rate. For such use in excess of 15,000 miles in each fiscal year, the reimbursement shall be at a rate of 13.0 cents per mile, unless a state-owned vehicle is not available; then the rate shall be the IRS rate;

3. The State Comptroller may authorize exemptions to restrictions upon use of common carrier accommodations;

4. The State Comptroller may authorize reimbursement by per diem in lieu of actual costs of meals and any other expense category deemed necessary for the efficient and effective operation of state government;

5. State employees traveling on official business of state government shall be reimbursed for their travel costs using the same bank account authorized by the employee in which their net pay is direct deposited; and

6. This section shall not apply to members and employees of public school boards.

f. SMALL PURCHASE CHARGE CARD, ELECTRONIC DATA INTERCHANGE, DIRECT DEPOSIT, AND PAYLINE OPT OUT: The State Comptroller is hereby authorized to charge state agencies a fee of \$5 per check or earnings notice when, in his judgment, agencies have failed to comply with the Commonwealth's electronic commerce initiatives to reduce unnecessary administrative costs for the printing and mailing of state checks and earning notices. The fee shall be collected by the Department of Accounts through accounting entries.

g. PURCHASES OF APPLIANCES AND EQUIPMENT: State agencies and institutions shall purchase Energy Star rated appliances and equipment in all cases where such appliances and equipment are available.

h. ELECTRONIC PAYMENTS: Any recipient of payments from the State Treasury who receives six or more payments per year issued by the State Treasurer shall receive such payments electronically. The State Treasurer shall decide the appropriate method of electronic payment and, through his warrant issuance authority, the State Comptroller shall enforce the provisions of this section. The State Comptroller is authorized to grant administrative relief to this requirement when circumstances justify non-electronic payment.

i. LOCAL AND NON-STATE SAVINGS AND EFFICIENCIES: It is the intent of the General Assembly that State agencies shall encourage and assist local governments, school divisions, and other non-state governmental entities in their efforts to achieve cost savings and efficiencies in the provision of mandated functions and services including but not limited to finance, procurement, social services programs, and facilities management.

j. TELECOMMUNICATION SERVICES AND DEVICES:

1. The Chief Information Officer and the State Comptroller shall develop statewide requirements for the use of cellular telephones and other telecommunication devices by in-scope Executive Department agencies, addressing the assignment, evaluation of need, safeguarding, monitoring, and usage of these telecommunication devices. The requirements shall include an acceptable use agreement template clearly defining an employee's responsibility when they receive and use a telecommunication device. Statewide requirements shall require some form of identification on a device in case it is lost or stolen and procedures to wipe the device clean of all sensitive information when it is no longer in use.

2. In-scope Executive Department agencies providing employees with telecommunication devices shall develop agency-specific policies, incorporating the guidance provided in § 4-5.04 k. 1. of this act and shall maintain a cost justification for the assignment or a public health, welfare and safety need.

3. The Chief Information Officer shall determine the optimal number of telecommunication vendors and plans necessary to meet the needs of in-scope Executive Department agency personnel. The Chief Information Officer shall regularly procure these services and provide statewide contracts for use by all such agencies. These contracts shall require the vendors to provide detailed usage information in a useable electronic format to enable the in-scope agencies to properly monitor usage to make informed purchasing decisions and minimize costs.

4. The Chief Information Officer shall examine the feasibility of providing tools for in-scope Executive Department agencies to analyze usage and cost data to assist in determining the most cost effective plan combinations for the entity as a whole and individual users.

k. ALTERNATIVE PROCUREMENT: If any payment is declared unconstitutional for any reason or if the Attorney General finds in a formal, written, legal opinion that a payment is unconstitutional, in circumstances where a good or service can constitutionally be the subject of a purchase, the administering agency of such payment is authorized to use the affected appropriation to procure, by means of the Commonwealth's Procurement Act, goods and services, which are similar to those sought by such payment in order to accomplish the original legislative intent.

l. MEDICAL SERVICES: No expenditures from general or nongeneral fund sources may be made out of any appropriation by the General Assembly for providing abortion services, except otherwise as required by federal law or state statute.

m. In an effort to expand cooperative procurement efforts, all public institutions of higher education in the Commonwealth of Virginia may access the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) contracts regardless of their level of purchasing delegated authority, non-VASCUPP institutions shall amend terms and conditions of VASCUPP contracts to incorporate Virginia Public Procurement Act, and Commonwealth of Virginia Agency Procurement and Surplus Property Manual.

§ 4-5.05 NONSTATE AGENCIES, INTERSTATE COMPACTS AND ORGANIZATIONAL MEMBERSHIPS

a. The accounts of any agency, however titled, which receives funds from this or any other appropriating act, and is not owned or controlled by the Commonwealth of Virginia, shall be subject to audit or shall present an audit acceptable to the Auditor of Public Accounts when so directed by the Governor or the Joint Legislative Audit and Review Commission.

b.1. For purposes of this subsection, the definition of "nonstate agency" is that contained in § 2.2-1505, Code of Virginia.

2. Allotment of appropriations to nonstate agencies shall be subject to the following criteria:

a) Such agency is located in and operates in Virginia.

b) The agency must be open to the public or otherwise engaged in activity of public interest, with expenditures having actually been incurred for its operation.

3. No allotment of appropriations shall be made to a nonstate agency until such agency has certified to the Secretary of Finance that cash or in-kind contributions are on hand and available to match equally all or any part of an appropriation which may be provided by the General Assembly, unless the organization is specifically exempted from this requirement by language in this act. Such matching funds shall not have been previously used to meet the match requirement in any prior appropriation act.

4. Operating appropriations for nonstate agencies equal to or in excess of \$150,000 shall be disbursed to nonstate agencies in twelve or fewer equal monthly installments depending on when the first payment is made within the fiscal year. Operating appropriations for nonstate agencies of less than \$150,000 shall be disbursed in one payment once the nonstate agency has successfully met applicable match and application requirements.

5. The provisions of § 2.2-4343 A 14, Code of Virginia shall apply to any expenditure of state appropriations by a nonstate agency.

c.1. Each interstate compact commission and each organization in which the Commonwealth of Virginia or a state agency thereof holds membership, and the dues for which are provided in this act or any other appropriating act, shall submit its biennial budget request to the state agency under which such commission or organization is listed in this act. The state agency shall include the request of such commission or organization within its own request, but identified separately. Requests by the commission or organization for disbursements from appropriations shall be submitted to the designated state agency.

2. Each state agency shall submit by November 1 each year, a report to the Director, Department of Planning and Budget, listing the name and purpose for organizational memberships held by that agency with annual dues of \$5,000 or more. The institutions of higher education shall be exempt from this reporting requirement.

§ 4-5.06 DELEGATION OF AUTHORITY

a. The designation in this act of an officer or agency head to perform a specified duty shall not be deemed to supersede the authority of the Governor to delegate powers under the provisions of § 2.2-104, Code of Virginia.

b. The nongeneral fund capital outlay decentralization programs initiated pursuant to § 4-5.08b of Chapter 912, 1996 Acts of Assembly as continued in subsequent appropriation acts are hereby made permanent. Decentralization programs for which institutions have executed memoranda of understanding with the Secretary of Administration pursuant to the provisions of § 4-5.08b of Chapter 912, 1996 Acts of Assembly shall no longer be considered pilot projects, and shall remain in effect until revoked.

c. Institutions wishing to participate in a nongeneral fund capital outlay decentralization program for the first time shall submit a letter of interest to the appropriate Cabinet Secretary. Within 90 calendar days of the receipt of the institution's request to participate, the responsible Cabinet Secretary shall determine whether the institution meets the eligibility criteria and, if appropriate, establish a decentralization program at the institution. The Cabinet Secretary shall report to the Governor and Chairmen of the Senate Finance and House Appropriations Committees by December 1 of each year all institutions that have applied for inclusion in a decentralization program and whether the institutions have been granted authority to participate in the decentralization program.

d. The provisions identified in § 4-5.08 f and § 4-5.08 h of Chapter 1042 of the Acts of Assembly of 2003 pertaining to pilot programs for selected capital outlay projects and memoranda of understanding in institutions of higher education are hereby continued. Notwithstanding these provisions, those projects shall be insured through the state's risk management liability program.

e. If during an independent audit conducted by the Auditor of Public Accounts, the audit discloses that an institution is not performing within the terms of the memoranda of understanding or their addenda, the Auditor shall report this information to the Governor, the responsible Cabinet Secretary, and the Chairmen of the Senate Finance and House Appropriations Committees.

f. Institutions that have executed memoranda of understanding with the Secretary of Administration for nongeneral fund capital outlay decentralization programs are hereby granted a waiver from the provisions of § 2.2-4301, Competitive Negotiation, subdivision 3a, Code of Virginia, regarding the not to exceed amount of \$100,000 for a single project, the not to exceed sum of \$500,000 for all projects performed, and the option to renew for two additional one-year terms.

g. Notwithstanding any contrary provision of law or this act, delegations of authority in this act to the Governor shall apply only to agencies and personnel within the Executive Department, unless specifically stated otherwise.

h. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly.

§ 4-5.07 LEASE, LICENSE OR USE AGREEMENTS

a. Agencies shall not acquire or occupy real property through lease, license or use agreement until the agency certifies to the Director, Department of General Services, that (i) funds are available within the agency's appropriations made by this act for the cost of the lease, license or use agreement and (ii) except for good cause as determined by the Department of General Services, the volume of such space conforms with the space planning procedures for leased facilities developed by the Department of General Services and approved by the Governor. The Department of General Services shall acquire and hold such space for use by state departments, agencies and institutions within the Executive Branch and may utilize brokerage services, portfolio management strategies, strategic planning, transaction management, project and construction management, and lease administration strategies consistent with industry best practices as adopted by the Department from time to time. These provisions may be waived in writing by the Director, Department of General Services. However, these provisions shall not apply to institutions of higher education that have met the conditions prescribed in subsection B of § 23.1-1006, Code of Virginia.

b. Agencies acquiring personal property in accordance with § 2.2-2417, Code of Virginia, shall certify to the State Treasurer that funds are available within the agency's appropriations made by this act for the cost of the lease.

c. The Governor is authorized to enter into a Memorandum of Understanding with the United States Department of Agriculture, United States Forest Service ("USFS"), in a form approved by the Office of the Attorney General, regarding a template for use by any agency of the Commonwealth of Virginia (the "Commonwealth") of USFS land by lease, license, or permit. The template may allocate liability, including indemnification, for the use of USFS land between the USFS and the Commonwealth, which liability shall be secured by, and at the discretion of, the Division of Risk Management, Department of the Treasury, pursuant to the provisions of Virginia Code §2.2-1837(A)(2), through either 1) the Virginia Risk Management Liability Plan ("the Plan"), or 2) a separate insurance policy procured by the Division of Risk Management, the cost of which shall be charged to the agencies using USFS lands.

§ 4-5.08 SEMICONDUCTOR MANUFACTURING PERFORMANCE GRANT PROGRAMS

a. The Comptroller shall not draw any warrants to issue checks for semiconductor manufacturing performance grant programs, pursuant to Title 59.1, Chapter 22.3, Code of Virginia, without a specific legislative appropriation. The appropriation shall be in accordance with the terms and conditions set forth in a memorandum of understanding between a qualified manufacturer and the Commonwealth. These terms and conditions shall supplement the provisions of the Semiconductor Manufacturing Performance Grant Program, the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program, and the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program II, as applicable, and shall include but not be limited to the numbers and types of semiconductor wafers that are produced; the level of investment directly related to the building and equipment for manufacturing of wafers or activities ancillary to or supportive of such manufacturer within the eligible locality; and the direct employment related to these programs. To that end, the Secretary of Commerce and Trade shall certify in writing to the Governor and to the Chairmen of the House Appropriations and Senate Finance Committees the extent to which a qualified manufacturer met the terms and conditions. The appropriation shall be made in full or in proportion to a qualified manufacturer's fulfillment of the memorandum of understanding.

b. The Governor shall consult with the House Appropriations and Senate Finance Committees before amending any existing memorandum of understanding. These Committees shall have the opportunity to review any changes prior to their execution by the Commonwealth.

§ 4-5.09 DISPOSITION OF SURPLUS REAL PROPERTY

a. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the departments, divisions, institutions, or agencies of the Commonwealth, or the Governor, shall sell or lease surplus real property only under the following circumstances:

1. Any emergency declared in accordance with §§ 44-146.18:2 or § 44-146.28, Code of Virginia, or

2. Not less than thirty days after the Governor notifies, in writing, the Chairmen of the House Appropriations and Senate Finance Committees regarding the planned conveyance, including a statement of the proceeds to be derived from such conveyance and the individual or entity taking title to such property.

3. Surplus property valued at less than \$5,000,000 that is possessed and controlled by a public institution of higher education, pursuant to §§ 2.2-1149 and 2.2-1153, Code of Virginia.

b. In any circumstance provided for in subsection a of this section, the cognizant board or governing body of the agency or institution holding title or otherwise controlling the state-owned property shall approve, in writing, the proposed conveyance of the property.

c. In accordance with § 15.2-2005, Code of Virginia, the consent of the General Assembly is herein provided for the road known as Standpipe Road, that was relocated and established on a portion of the Virginia Department of Transportation's Culpeper District Office property, identified as Tax Map No. 50-28, to improve the operational efficiency of the local road network in the Town of Culpeper. Further, the Virginia Department of Transportation is hereby authorized to convey to the Town of Culpeper, upon such terms and conditions as the Department deems proper and for such considerations the Department may determine, the property on which "Standpipe Road (Relocated)(Variable Width R/W)" on the plat entitled "plat Showing Property and Various Easements for Standpipe Road Relocated, Tax Map 50-28, Town of Culpeper, Culpeper County, Virginia" prepared by ATCS P.L.C and sealed March 14, 2012, together with easements to the Town of Culpeper for electric utility, slopes and drainage as shown on said plat. The conveyance shall be made with the approval of the Governor and in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.

d. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, if tax-exempt bonds were issued by the Commonwealth or its related authorities, boards or institutions to finance the acquisition, construction, improvement or equipping of real property, proceeds from the sale or disposition of such property and any improvements may first be applied toward remediation options available under federal law to maintain the tax-exempt status of such bonds.

§ 4-5.10 SURPLUS PROPERTY TRANSFERS FOR ECONOMIC DEVELOPMENT

a. The Commonwealth shall receive the fair market value of surplus state property which is designated by the Governor for economic development purposes, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, which shall be assessed by more than one independent appraiser certified as a Licensed General Appraiser. Such property shall not be disposed of for less than its fair market value as determined by the assessments.

b. Recognizing the commercial, business and industrial development potential of certain lands declared surplus, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, the Governor shall be authorized to utilize funds available in the Governor's discretion, to meet the requirements of the preceding subsection a. Sale proceeds, together with the money from the Commonwealth's Development Opportunity Fund, shall be deposited as provided in § 2.2-1156 D, Code of Virginia.

c. Within thirty days of closing on the sale of surplus property designated for economic development, the Governor or his designee shall report to the Chairmen of the Senate Finance and House Appropriations Committees. The report shall include information on the number of acres sold, sales price, amount of proceeds deposited to the general fund and Conservation Resources Fund, and the fair market value of the sold property.

d. Except for subaqueous lands that have been filled prior to January 1, 2006, the Governor shall not sell or convey those subaqueous lands identified by metes and bounds in Chapter 884 of the Acts of the Assembly of 2006.

e. Notwithstanding any provision of law to the contrary, the Commonwealth of Virginia shall begin the process to convey, as is and pursuant to § 2.2-1150, approximately 432 acres of land located within County of York, Virginia, known as Tax Parcel 12-00-00-003 (the Property) to the Eastern Virginia Regional Industrial Facility Authority, or any of its members, subsidiaries or affiliates (hereinafter referred to Authority) for an amount not to exceed \$1,350,000. The Commonwealth of Virginia shall provide to the Authority copies of the two most recent state appraisals for 150-200 acres for the parcel, and in no case shall the transaction price per acre exceed the average of the two most recent state appraisals. The Authority shall have the right to waive

the appraisal requirement. The Authority shall reimburse the Commonwealth of Virginia, at property closing, for the appraisals and other Commonwealth of Virginia costs to prepare and execute the conveyance documents. The conveyance of the Property should occur no later than December 31, 2021, but may occur earlier if requested by the Authority. The Authority and its designees shall have the right to enter the Property and to perform due diligence and design studies and activities prior to the conveyance. The Authority shall have the right to file applications and related documents seeking land, zoning and use entitlements, and the Commonwealth is authorized to execute such documents as may be required for such purposes, but without incurring obligations on the Commonwealth by such execution.

1. The Authority is authorized to convey the property rights for portions of the Property conveyed by the Commonwealth in paragraph e., to one or more operators of one or more utility scale solar facilities, or to lease the property rights to such an operator or operators, for an amount as agreed by the Authority and such operator(s).

2. Any remaining Property at the site shall be subject to a deed restriction created in the Commonwealth of Virginia and Authority property sale described herein to restrict the use of such property by the Authority to any non-residential use, as determined by the Authority.

§ 4-5.11 SEAT OF GOVERNMENT TRAFFIC AND PEDESTRIAN SAFETY

a. In order to implement and maintain traffic and pedestrian operational safety and security enhancements and secure the seat of government, the Commonwealth Transportation Board shall, not later than January 1, 2020, add to the state primary highway system, pursuant to § 33.2-314, Code of Virginia, those portions of the rights-of-way located in the City of Richmond identified as Bank Street from 9th Street to 14th Street, 10th Street from Main Street to Bank Street, 12th Street from Main Street to Bank Street, and Governor Street from Main Street to Bank Street and, pursuant to the responsibilities of the Department of General Services (DGS) (§ 2.2-1129) and the Division of Capitol Police (DCP) (§ 30-34.2:1), DGS and DCP shall control those rights-of-way and pedestrian and vehicular traffic thereon. The rights-of-way so transferred shall be in addition to the 50 miles per year authorized to be transferred under § 33.2-314(A). The City of Richmond shall transfer fee ownership of the rights-of-way identified in this section to DGS by deed or other instrument, as determined by DGS.

b. All property controlled by the Department of General Services shall require a permit for use by persons, organizations, or groups for events. Such events are eligible for a permit when the use will not interfere with or disrupt a function sponsored by the Commonwealth of Virginia government entity in support of an agency's mission. The Department shall prepare and publish on its website the requirements for the submission, processing, review, and disposition of permit applications for events on property controlled by the Department to ensure the health, safety, and welfare of the public; coordinate multiple uses of the property; preserve the rights of individuals to free expression; and to protect the Commonwealth from financial and property losses.

For the purposes of this subsection, an "event" means the assemblage on property controlled by the Department of ten (10) or more persons for any demonstration, rally, march, performance, picketing, speechmaking, holding of vigils, sit-ins, or other activities that involve the communication or expression of views or ideas having the effect, intent, or propensity to draw a crowd or onlookers. An "event" does not include casual use of the property by visitors or tourists.

All existing regulations for the use of property controlled by the Department shall remain in effect unless amended or rescinded. The Virginia Division of Capitol Police and other law enforcement entities having jurisdiction shall enforce the Department's property use requirements.

§ 4-6.00 POSITIONS AND EMPLOYMENT

§ 4-6.01 EMPLOYEE COMPENSATION

a. The compensation of all kinds and from all sources of each appointee of the Governor and of each officer and employee in the Executive Department who enters the service of the Commonwealth or who is promoted to a vacant position shall be fixed at such rate as shall be approved by the Governor in writing or as is in accordance with rules and regulations established by the Governor. No increase shall be made in such compensation except with the Governor's written approval first obtained or in accordance with the rules and regulations established by the Governor. In all cases where any appointee, officer or employee is employed or promoted to fill a vacancy in a position for which a salary is specified by this act, the Governor may fix the salary of such officer or employee at a lower rate or amount within the respective level than is specified. In those instances where a position is created by an act of the General Assembly but not specified by this act, the Governor may fix the salary of such position in accordance with the provisions of this subsection.

b. Annual salaries of persons appointed to positions by the General Assembly, pursuant to the provisions of §§ 2.2-200 and 2.2-400, Code of Virginia, shall be paid in the amounts shown. However, if an incumbent is reappointed, his or her salary may be as high as his or her prior salary.

July 1, 2020

June 10, 2021

to

to

June 9, 2021

June 30, 2022

1	Chief of Staff	\$183,859	\$193,052
2	Secretary of Administration	\$176,730	\$185,567
3	Secretary of Agriculture and	\$180,706	\$189,741
4	Forestry		
5	Secretary of Commerce and	\$176,730	\$185,567
6	Trade		
7	Secretary of the	\$180,706	\$189,741
8	Commonwealth		
9	Secretary of Education	\$176,730	\$185,567
10	Secretary of Finance	\$184,887	\$194,131
11	Secretary of Health and	\$176,730	\$185,567
12	Human Resources		
13	Secretary of Natural Resources	\$176,730	\$185,567
14	Secretary of Public Safety	\$182,705	\$191,840
15	Secretary of Transportation	\$176,730	\$185,567
16	Secretary of Veterans Affairs	\$180,706	\$189,741
17	and Homeland Security		

18 c.1.a) Annual salaries of persons appointed to positions listed in subdivision c 6 hereof shall be paid in the amounts shown for
19 the current biennium, unless changed in accordance with conditions stated in subdivisions c 2 through c 5 hereof.

20 b) The starting salary of a new appointee shall not exceed the midpoint of the range, except where the midpoint salary is less
21 than a ten percent increase from an appointee's preappointment compensation. In such cases, an appointee's starting salary may
22 be set at a rate which is ten percent higher than the preappointment compensation, provided that the maximum of the range is
23 not exceeded. However, in instances where an appointee's preappointment compensation exceeded the maximum of the
24 respective salary range, then the salary for that appointee may be set at the maximum salary for the respective salary range
25 except if the new hire was employed in a state classified position, then the Governor may exceed the maximum salary for the
26 position and set the salary for the employee at a salary level not to exceed the employee's salary at their prior state position.

27 c) Nothing in subdivision c 1 shall be interpreted to supersede the provisions of § 4-6.01 e, f, g, h, i, j, k, l, and m of this act.

28 d) For new appointees to positions listed in § 4-6.01c.6., the Governor is authorized to provide for fringe benefits in addition to
29 those otherwise provided by law, including post retirement health care and other non-salaried benefits provided to similar
30 positions in the public sector.

31 2.a)1) The Governor may increase or decrease the annual salary for incumbents of positions listed in subdivision c 6 below at a
32 rate of up to 10 percent in any single fiscal year between the minimum and the maximum of the respective salary range in
33 accordance with an assessment of performance and service to the Commonwealth.

34 2) The governing boards of the independent agencies may increase or decrease the annual salary for incumbents of positions
35 listed in subdivision c.7. below at a rate of up to 10 percent in any fiscal year between the minimum and maximum of the
36 respective salary range, in accordance with an assessment of performance and service to the Commonwealth.

37 b)1) The appointing or governing authority may grant performance bonuses of 0-5 percent for positions whose salaries are
38 listed in §§ 1-1 through 1-9, and 4-6.01 b, c, and d of this act, based on an annual assessment of performance, in accordance
39 with policies and procedures established by such appointing or governing authority. Such performance bonuses shall be over
40 and above the salaries listed in this act, and shall not become part of the base rate of pay.

41 2) The appointing or governing authority shall report performance bonuses which are granted to executive branch employees to
42 the Department of Human Resource Management for retention in its records.

43 3. From the effective date of the Executive Pay Plan set forth in Chapter 601, Acts of Assembly of 1981, all incumbents
44 holding positions listed in this § 4-6.01 shall be eligible for all fringe benefits provided to full-time classified state employees

and, notwithstanding any provision to the contrary, the annual salary paid pursuant to this § 4-6.01 shall be included as creditable compensation for the calculation of such benefits.

4. Notwithstanding § 4-6.01.c.2.b)1) of this Act, the Board of Commissioners of the Virginia Port Authority may supplement the salary of its Executive Director, with the prior approval of the Governor. The Board should be guided by criteria which provide a reasonable limit on the total additional income of the Executive Director. The criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable ports of other states. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

5.a. With the written approval of the Governor, the Board of Trustees of the Virginia Museum of Fine Arts, the Science Museum of Virginia, the Virginia Museum of Natural History, Gunston Hall, and the Library Board may supplement the salary of the Director of each museum, and the Librarian of Virginia from nonstate funds. In approving a supplement, the Governor should be guided by criteria which provide a reasonable limit on the total additional income and the criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable museums and libraries of other states. The respective Boards shall report approved supplements to the Department of Human Resource Management for retention in its records.

b) The Board of Trustees of the Jamestown-Yorktown Foundation may supplement, using nonstate funds, the salary of the Executive Director of the Foundation. In approving the supplement the Board should be guided by criteria which provides a reasonable limit on the total additional income and the criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable Foundations in other states. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

6.a) The following salaries shall be paid for the current biennium in the amounts shown, however, all salary changes shall be subject to subdivisions c 2 through c 5 above.

July 1, 2020	June 10, 2021
to	to
June 9, 2021	June 30, 2022

Level I Range	\$169,179- \$241,463	\$177,638 - \$253,536
Midpoint	\$205,321	\$215,587
Chief Information Officer, Virginia Information Technologies Agency	\$198,844	\$208,786
Commissioner, Department of Motor Vehicles	\$173,321	\$181,987
Commissioner, Department of Social Services	\$214,748	\$225,485
Commissioner, Department of Behavioral Health and Developmental Services	\$241,463	\$253,536
Commonwealth Transportation Commissioner	\$218,509	\$229,434
Director, Department of Corrections	\$193,367	\$203,035
Director, Department of Environmental Quality	\$199,815	\$209,806
Director, Department of Medical Assistance Services	\$212,578	\$223,207
Director, Department of Planning and Budget	\$181,441	\$190,513
State Health Commissioner	\$236,390	\$248,210

1	State Tax Commissioner	\$172,986	\$181,635
2	Superintendent of Public	\$241,463	\$253,536
3	Instruction		
4	Superintendent of State Police	\$194,054	\$203,757
5		July 1, 2020	June 10, 2021
		to	to
6		June 9, 2021	June 30, 2022
7	Level II Range	\$117,474 - \$189,111	\$123,348 - \$198,567
8	Midpoint	\$153,293	\$160,958
9	Commissioner, Department for	\$163,786	\$171,975
10	Aging and Rehabilitative		
11	Services		
12	Commissioner, Department of	\$169,538	\$178,015
13	Agriculture and Consumer		
14	Services		
15	Commissioner, Department of	\$154,529	\$162,255
16	Veterans Services		
17	Commissioner, Virginia	\$169,863	\$178,356
18	Employment Commission		
19	Executive Director,	\$148,385	\$155,804
20	Department of Game and		
21	Inland Fisheries		
22	Commissioner, Marine	\$145,905	\$153,200
23	Resources Commission		
24	Director, Department of	\$176,048	\$184,850
25	Forensic Science		
26	Director, Department of	\$175,678	\$184,462
27	General Services		
28	Director, Department of	\$170,525	\$179,051
29	Human Resource Management		
30	Director, Department of	\$165,110	\$173,366
31	Juvenile Justice		
32	Director, Department of	\$154,204	\$161,914
33	Mines, Minerals and Energy		
34	Director, Department of Rail	\$160,048	\$168,050
35	and Public Transportation		
36	Director, Department of Small	\$146,525	\$153,851
37	Business and Supplier		
38	Diversity		
39	Executive Director, Motor	\$120,117	\$126,123

1	Vehicle Dealer Board		
2	Executive Director, Virginia	\$148,454	\$155,877
3	Port Authority		
4	State Comptroller	\$181,303	\$190,368
5	State Treasurer	\$181,158	\$190,216
6	Executive Director, Board of	\$148,988	\$156,437
7	Accountancy		
8	Chief Executive Officer,	\$189,111	\$198,567
9	Virginia Alcoholic Beverage		
10	Control Authority		
11		July 1, 2020	June 10, 2021
		to	to
12		June 9, 2021	June 30, 2022
13	Level III Range	\$119,014 - \$161,360	\$124,965 - \$169,428
14	Midpoint	\$140,187	\$147,196
15	Adjutant General	\$146,681	\$154,015
16	Chairman, Virginia Parole	\$137,957	\$144,855
17	Board		
18	Vice Chairman, Virginia Parole	\$121,394	\$127,464
19	Board		
20	Member, Virginia Parole Board	\$119,014	\$124,965
21	Commissioner, Department of	\$146,715	\$154,051
22	Labor and Industry		
23	Coordinator, Department of	\$156,395	\$164,215
24	Emergency Management		
25	Director, Department of	\$154,125	\$161,831
26	Aviation		
27	Director, Department of	\$159,249	\$167,211
28	Conservation and Recreation		
29	Director, Department of	\$131,349	\$137,916
30	Criminal Justice Services		
31	Director, Department of Health	\$142,002	\$149,102
32	Professions		
33	Director, Department of	\$130,000	\$136,500
34	Historic Resources		
35	Director, Department of	\$144,246	\$151,458
36	Housing and Community		
37	Development		
38	Director, Department of	\$136,818	\$143,659
39	Professional and Occupational		

1	Regulation		
2	Director, The Science Museum	\$145,824	\$153,115
3	of Virginia		
4	Director, Virginia Museum of	\$151,620	\$159,201
5	Fine Arts		
6	Director, Virginia Museum of	\$124,477	\$130,701
7	Natural History		
8	Executive Director,	\$148,019	\$155,420
9	Jamestown-Yorktown		
10	Foundation		
11	Executive Secretary, Virginia	\$130,938	\$137,485
12	Racing Commission		
13	Librarian of Virginia	\$161,360	\$169,428
14	State Forester, Department of	\$152,232	\$159,844
15	Forestry		
16		July 1, 2020	June 10, 2021
		to	
17		June 9, 2021	June 30, 2022
18	Level IV Range	\$95,120 - \$124,386	\$99,876 - \$130,605
19	Midpoint	\$109,753	\$115,241
20	Administrator,	\$113,215	\$118,876
21	Commonwealth's Attorneys'		
22	Services Council		
23	Commissioner, Virginia	\$124,386	\$130,605
24	Department for the Blind and		
25	Vision Impaired		
26	Executive Director, Frontier	\$111,125	\$116,681
27	Culture Museum of Virginia		
28	Commissioner, Department of	\$116,619	\$122,450
29	Elections		
30	Executive Director, Virginia-	\$100,695	\$105,730
31	Israel Advisory Board		
32	Director, Gunston Hall	\$95,120	\$99,876
33		July 1, 2020	June 10, 2021
		to	
34		June 9, 2021	June 30, 2022
35	Level V Range	\$24,162 - \$103,566	\$25,370 - \$108,744
36	Midpoint	\$63,864	\$67,057
37	Director, Virginia Department	\$103,566	\$108,744
38	for the Deaf and Hard-of-		

1 Hearing

2	Executive Director, Department	\$101,288	\$106,352
3	of Fire Programs		
4	Executive Director, Virginia	\$101,288	\$106,352
5	Commission for the Arts		
6	Chairman, Compensation Board	\$24,162	\$25,370

7 7. Annual salaries of the directors of the independent agencies, as listed in this subdivision, shall be paid in the amounts shown. All
8 salary changes shall be subject to subdivisions c 1, c 2, and c 3 above.

9		July 1, 2020 to June 9, 2021	June 10, 2021 to June 30, 2022
11	Independent Range	\$176,683 - \$192,643	\$185,517 - \$202,275
12	Midpoint	\$184,663	\$193,896
13	Executive Director, Virginia	\$176,683	\$185,517
14	Lottery		
15	Director, Virginia Retirement	\$190,982	\$200,531
16	System		
17	Chief Executive Officer,	\$192,643	\$202,275
18	Virginia College Savings Plan		

19 8. Notwithstanding any provision of this Act, the Board of Trustees of the Virginia Retirement System may supplement the salary of
20 its Director. The Board should be guided by criteria, which provide a reasonable limit on the total additional income of the Director.
21 The criteria should include, without limitation, a consideration of the salaries paid to similar officials in comparable public pension
22 plans. The Board shall report such criteria and potential supplement level to the Chairmen of the Senate Finance and House
23 Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The Board shall report approved
24 supplements to the Department of Human Resource Management for retention in its records.

25 9. Notwithstanding any provision of this Act, the Board of the Virginia College Savings Plan may supplement the compensation of
26 its Chief Executive Officer. The Board should be guided by criteria which provide a reasonable limit on the total additional income
27 of the Chief Executive Officer. The criteria should include, without limitation, a consideration of compensation paid to similar
28 officials in comparable qualified tuition programs, independent public agencies or other entities with similar responsibilities and
29 size. The Board shall report such criteria and potential supplement level to the Chairmen of the Senate Finance and House
30 Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The Board shall report approved
31 supplements to the Department of Human Resource Management for retention in its records.

32 10. Notwithstanding any provision of this act, the Board of the Virginia Alcoholic Beverage Control Authority may supplement the
33 salary of its Chief Executive Officer in accordance with § 4.1-101.02. The Board should be guided by criteria, which provide a
34 reasonable limit on the total additional income of the Chief Executive Officer. The criteria should include, without limitation, a
35 consideration of the salaries paid to similar officials in comparable independent agencies. The Board shall report such criteria and
36 potential supplement level to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees at least 60
37 days prior to the effectuation of the compensation action. The Board shall report approved supplements to the Department of Human
38 Resource Management for retention in its record.

39 d.1. Annual salaries of the presidents of the senior institutions of higher education, the President of Richard Bland College, the
40 Chancellor of the University of Virginia's College at Wise, the Superintendent of the Virginia Military Institute, the Director of the
41 State Council of Higher Education, the Director of the Southern Virginia Higher Education Center, the Director of the Southwest
42 Virginia Higher Education Center and the Chancellor of Community Colleges, as listed in this paragraph, shall be paid in the
43 amounts shown. The annual salaries of the presidents of the community colleges shall be fixed by the State Board for Community
44 Colleges within a salary structure submitted to the Governor prior to June 1 each year for approval.

45 2.a) The board of visitors of each institution of higher education or the boards of directors for Southern Virginia Higher Education

Center, Southwest Virginia Higher Education Center, and the New College Institute may annually supplement the salary of a president or director from private gifts, endowment funds, foundation funds, or income from endowments and gifts. Supplements paid from other than the cited sources prior to June 30, 1997, may continue to be paid. In approving a supplement, the board of visitors or board of directors should be guided by criteria which provide a reasonable limit on the total additional income of a president or director. The criteria should include a consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The board of visitors or board of directors shall report approved supplements to the Department of Human Resource Management for retention in its records.

b) The State Board for Community Colleges may annually supplement the salary of the Chancellor from any available appropriations of the Virginia Community College System. In approving a supplement, the State Board for Community Colleges should be guided by criteria which provide a reasonable limit on the total additional income of the Chancellor. The criteria should include consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

c) Norfolk State University is authorized to supplement the salary of its president from educational and general funds up to \$17,000.

d) Should a vacancy occur for the Director of the State Council of Higher Education on or after the date of enactment of this act, the salary for the new director shall be established by the State Council of Higher Education based on the salary range for Level I agency heads. Furthermore, the state council may provide a bonus of up to five percent of the annual salary for the new director.

	July 1, 2020 to June , 9 2021	June 10, 2021 to June 30, 2022
NEW COLLEGE INSTITUTE		
Executive Director, New College Institute	\$148,332	\$155,749
STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA		
Director, State Council of Higher Education for Virginia	\$204,965	\$215,213
SOUTHERN VIRGINIA HIGHER EDUCATION CENTER		
Director, Southern Virginia Higher Education Center	\$137,966	\$144,864
SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER		
Director, Southwest Virginia Higher Education Center	\$137,582	\$144,461
VIRGINIA COMMUNITY COLLEGE SYSTEM		
Chancellor of Community Colleges	\$185,953	\$195,251
SENIOR COLLEGE PRESIDENTS' SALARIES		
Chancellor, University of Virginia's College at Wise	\$130,716	\$137,252
President, Christopher Newport University	\$146,528	\$153,854

1	President, The College of	\$173,144	\$181,801
2	William and Mary in Virginia		
3	President, George Mason	\$161,712	\$169,798
4	University		
5	President, James Madison	\$173,292	\$181,957
6	University		
7	President, Longwood University	\$158,089	\$165,993
8	President, Norfolk State	\$188,510	\$197,936
9	University		
10	President, Old Dominion	\$178,510	\$187,435
11	University		
12	President, Radford University	\$167,050	\$175,403
13	President, Richard Bland	\$142,606	\$149,763
14	College		
15	President, University of Mary	\$155,568	\$163,346
16	Washington		
17	President, University of	\$192,656	\$202,289
18	Virginia		
19	President, Virginia	\$186,383	\$195,702
20	Commonwealth University		
21	President, Virginia Polytechnic	\$203,718	\$213,904
22	Institute and State University		
23	President, Virginia State	\$153,607	\$161,287
24	University		
25	Superintendent, Virginia	\$159,042	\$166,994
26	Military Institute		

27 e. 1. Salaries for newly employed or promoted employees shall be established consistent with the compensation and classification
28 plans established by the Governor.

29 2. The State Comptroller is hereby authorized to require payment of wages or salaries to state employees by direct deposit or by
30 credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds.

31 f. The provisions of this section, requiring prior written approval of the Governor relative to compensation, shall apply also to any
32 system of incentive award payments which may be adopted and implemented by the Governor. The cost of implementing any such
33 system shall be paid from any funds appropriated to the affected agencies.

34 g. No lump sum appropriation for personal service shall be regarded as advisory or suggestive of individual salary rates or of salary
35 schedules to be fixed under law by the Governor payable from the lump sum appropriation.

36 h. Subject to approval by the Governor of a plan for a statewide employee meritorious service awards program, as provided for in §
37 2.2-1201, Code of Virginia, the costs for such awards shall be paid from any operating funds appropriated to the affected agencies.

38 i. The General Assembly hereby affirms and ratifies the Governor's existing authority and the established practice of this body to
39 provide for pay differentials or to supplement base rates of pay for employees in specific job classifications in particular geographic
40 and/or functional areas where, in the Governor's discretion, they are needed for the purpose of maintaining salaries which enable the
41 Commonwealth to maintain a competitive position in the relevant labor market.

42 j.1. If at any time the Administrator of the Commonwealth's Attorneys' Services Council serves on the faculty of a state-supported
43 institution of higher education, the faculty appointment must be approved by the Council. Such institution shall pay one-half of the

salary listed in § 4-6.01 c 6 of this act. Further, such institution may provide compensation in addition to that listed in § 4-6.01 c 6; provided, however, that such additional compensation must be approved by the Council.

2. If the Administrator ceases to be a member of the faculty of a state-supported institution of higher education, the total salary listed in § 4-6.01 c 6 shall be paid from the Council's appropriation.

k.1.a. Except as otherwise provided for in this subdivision, any increases in the salary band assignment of any job role contained in the compensation and classification plans approved by the Governor shall be effective beginning with the first pay period, defined as the pay period from June 25 through July 9, of the fiscal year if: (1) the agency certifies to the Secretary of Finance that funds are available within the agency's appropriation to cover the cost of the increase for the remainder of the current biennium and presents a plan for covering the costs next biennium and the Secretary concurs, or (2) such funds are appropriated by the General Assembly. If at any time the Secretary of Administration shall certify that such change in the salary band assignment for a job role is of an emergency nature and the Secretary of Finance shall certify that funds are available to cover the cost of the increase for the remainder of the biennium within the agency's appropriation, such change in compensation may be effective on a date agreed upon by these two Secretaries. The Secretary of Administration shall provide a monthly report of all such emergency changes in accordance with § 4-8.00, Reporting Requirements.

b. Notwithstanding any other provision of law, state employees will be paid on the first workday of July for the work period June 10 to June 24 in any calendar year in which July 1 falls on a weekend.

2. Salary adjustments for any employee through a promotion, role change, exceptional recruitment and retention incentive options, or in-range adjustment shall occur only if: a) the agency has sufficient funds within its appropriation to cover the cost of the salary adjustment for the remainder of the current biennium or b) such funds are appropriated by the General Assembly.

3. No changes in salary band assignments affecting classified employees of more than one agency shall become effective unless the Secretary of Finance certifies that sufficient funds are available to provide such increase or plan to all affected employees supported from the general fund.

l. Full-time employees of the Commonwealth, including faculty members of state institutions of higher education, who are appointed to a state-level board, council, commission or similar collegial body shall not receive any such compensation for their services as members or chairmen except for reimbursement of reasonable and necessary expenses. The foregoing provision shall likewise apply to the Compensation Board, pursuant to § 15.2-1636.5, Code of Virginia.

m.1. Notwithstanding any other provision of law, the board of visitors or other governing body of any public institution of higher education is authorized to establish age and service eligibility criteria for faculty participating in voluntary early retirement incentive plans for their respective institutions pursuant to § 23.1-1302 B and the cash payment offered under such compensation plans pursuant to § 23.1-1302 D, Code of Virginia. Notwithstanding the limitations in § 23.1-1302 D, the total cost in any fiscal year for any such compensation plan, shall be set forth by the governing body in the compensation plan for approval by the Governor and review for legal sufficiency by the Office of the Attorney General.

2. Notwithstanding any other provision of law, employees holding full-time, academic-year classified positions at public institutions of higher education shall be considered "state employees" as defined in § 51.1-124.3, Code of Virginia, and shall be considered for medical/hospitalization, retirement service credit, and other benefits on the same basis as those individuals appointed to full-time, 12-month classified positions.

n. Notwithstanding the Department of Human Resource Management Policies and Procedures, payment to employees with five or more years of continuous service who either terminate or retire from service shall be paid in one sum for twenty-five percent of their sick leave balance, provided, however, that the total amount paid for sick leave shall not exceed \$5,000 and the remaining seventy-five percent of their sick leave shall lapse. This provision shall not apply to employees who are covered by the Virginia Sickness and Disability Program as defined in § 51.1-1100, Code of Virginia. Such employees shall not be paid for their sick leave balances. However, they will be paid, if eligible as described above, for any disability leave credits they have at separation or retirement or may convert disability credits to service credit under the Virginia Retirement System pursuant to § 51.1-1103 (F), Code of Virginia.

o. It is the intent of the General Assembly that calculation of the faculty salary benchmark goal for the Virginia Community College System shall be done in a manner consistent with that used for four-year institutions, taking into consideration the number of faculty at each of the community colleges. In addition, calculation of the salary target shall reflect an eight percent salary differential in a manner consistent with other public four-year institutions and for faculty at Northern Virginia Community College.

p. Any public institution of higher education that has met the eligibility criteria set out in Chapters 933 and 945 of the 2005 Acts of Assembly may supplement annual salaries for classified employees from private gifts, endowment funds, or income from endowments and gifts, subject to policies approved by the board of visitors. The Commonwealth shall have no general fund obligations for the continuation of such salary supplements.

q. The Governor, or any other appropriate Board or Public Body, is authorized to adjust the salaries of employees specified in

1 this item, and other items in the Act, to reflect the compensation adjustments authorized in this Act.

2 r. Any public institution of higher education shall not provide general fund monies above \$100,000 for any individual athletic
3 coaching salaries after July 1, 2013. Athletic coaching salaries with general fund monies above this amount shall be phased-down
4 over a five-year period at 20 percent per year until reaching the cap of \$100,000.

5 § 4-6.02 EMPLOYEE TRAINING AND STUDY

6 Subject to uniform rules and regulations established by the Governor, the head of any state agency may authorize, from any funds
7 appropriated to such department, institution or other agency in this act or subsequently made available for the purpose, compensation
8 or expenses or both compensation and expenses for employees pursuing approved training courses or academic studies for the
9 purpose of becoming better equipped for their employment in the state service. The rules and regulations shall include reasonable
10 provision for the return of any employee receiving such benefits for a reasonable period of duty, or for reimbursement to the state for
11 expenditures incurred on behalf of the employee should he not return to state service.

12 § 4-6.03 EMPLOYEE BENEFITS

13 a. Any medical/hospitalization benefit program provided for state employees shall include the following provision: any state
14 employee, as defined in § 2.2-2818, Code of Virginia, shall have the option to accept or reject coverage.

15 b. Except as provided for sworn personnel of the Department of State Police, no payment of, or reimbursement for, the employer
16 paid contribution to the State Police Officers' Retirement System, or any system offering like benefits, shall be made by the
17 Compensation Board of the Commonwealth at a rate greater than the employer rate established for the general classified workforce
18 of the Commonwealth covered under the Virginia Retirement System. Any cost for benefits exceeding such general rate shall be
19 borne by the employee or, in the case of a political subdivision, by the employer.

20 c. Each agency may, within the funds appropriated by this act, implement a transit and ridesharing incentive program for its
21 employees. With such programs, agencies may reimburse employees for all or a portion of the costs incurred from using public
22 transit, car pools, or van pools. The Secretary of Transportation shall develop guidelines for the implementation of such programs
23 and any agency program must be developed in accordance with such guidelines. The guidelines shall be in accordance with the
24 federal National Energy Policy Act of 1992 (P.L. 102-486), and no program shall provide an incentive that exceeds the actual costs
25 incurred by the employee.

26 d. Any hospital that serves as the primary medical facility for state employees may be allowed to participate in the State Employee
27 Health Insurance Program pursuant to § 2.2-2818, Code of Virginia, provided that (1) such hospital is not a participating provider in
28 the network, contracted by the Department of Human Resource Management, that serves state employees and (2) such hospital
29 enters into a written agreement with the Department of Human Resource Management as to the rates of reimbursement. The
30 department shall accept the lowest rates offered by the hospital from among the rates charged by the hospital to (1) its largest
31 purchaser of care, (2) any state or federal public program, or (3) any special rate developed by the hospital for the state employee
32 health benefits program which is lower than either of the rates above. If the department and the hospital cannot come to an
33 agreement, the department shall reimburse the hospital at the rates contained in its final offer to the hospital until the dispute is
34 resolved. Any dispute shall be resolved through arbitration or through the procedures established by the Administrative Process Act,
35 as the hospital may decide, without impairment of any residual right to judicial review.

36 e. Any classified employee of the Commonwealth and any person similarly employed in the legislative, judicial and independent
37 agencies who (i) is compensated on a salaried basis and (ii) works at least twenty hours per week shall be considered a full-time
38 employee for the purposes of participation in the Virginia Retirement System's group life insurance and retirement programs. Any
39 part-time magistrate hired prior to July 1, 1999, shall have the option of participating in the programs under this provision.

40 f.1. Any member of the Virginia Retirement System who is retired under the provisions of § 51.1-155.1, Code of Virginia who: 1)
41 returns to work in a position that is covered by the provisions of § 51.1-155.1, Code of Virginia after a break of not less than four
42 years, 2) receives no other compensation for service to a public employer than that provided for the position covered by § 51.1-
43 155.1, Code of Virginia during such period of reemployment, 3) retires within one year of commencing such period of
44 reemployment, and 4) retires directly from service at the end of such period of reemployment may either:

45 a) Revert to the previous retirement benefit received under the provisions of § 51.1-155.1, Code of Virginia, including any annual
46 cost of living adjustments granted thereon. This benefit may be adjusted upward to reflect the effect of such additional months of
47 service and compensation received during the period of reemployment, or

48 b) Retire under the provisions of Title 51.1 in effect at the termination of his or her period of reemployment, including any purchase
49 of service that may be eligible for purchase under the provisions of § 51.1-142.2, Code of Virginia.

50 2. The Virginia Retirement System shall establish procedures for verification by the employer of eligibility for the benefits provided
51 for in this paragraph.

52 g. Notwithstanding any other provision of law, no agency head compensated by funds appropriated in this act may be a member of
53 the Virginia Law Officers' Retirement System created under Title 51.1, Chapter 2.1, Code of Virginia. The provisions of this

paragraph are effective on July 1, 2002, and shall not apply to the Chief of the Capitol Police.

h. Full-time employees appointed by the Governor who, except for meeting the minimum service requirements, would be eligible for the provisions of § 51.1-155.1, Code of Virginia, may, upon termination of service, use any severance allowance payment to purchase service to meet, but not exceed, the minimum service requirements of § 51.1-155.1, Code of Virginia. Such service purchase shall be at the rate of 15 percent of the employee's final creditable compensation or average final compensation, whichever is greater, and shall be completed within 90 days of separation of service.

i. When calculating the retirement benefits payable under the Virginia Retirement System (VRS), the State Police Officers' Retirement System (SPORS), the Virginia Law-enforcement Officers' Retirement System (VaLORS), or the Judicial Retirement System (JRS) to any employee of the Commonwealth or its political subdivisions who is called to active duty with the armed forces of the United States, including the United States Coast Guard, the Virginia Retirement System shall:

1) utilize the pre-deployment salary, or the actual salary paid by the Commonwealth or the political subdivision, whichever is higher, when calculating average compensation, and

2) include those months after September 1, 2001 during which the employee was serving on active duty with the armed forces of the United States in the calculation of creditable service.

j. The provisions in § 51.1-144, Code of Virginia, that require a member to contribute five percent of his creditable compensation for each pay period for which he receives compensation on a salary reduction basis, shall not apply to any (i) "state employee," as defined in § 51.1-124.3, Code of Virginia, who is an elected official, or (ii) member of the Judicial Retirement System under Chapter 3 of Title 51.1 (§ 51.1-300 et seq.), who is not a "person who becomes a member on or after July 1, 2010," as defined in § 51.1-124.3, Code of Virginia.

k. Notwithstanding the provisions of subsection G of § 51.1-156, any employee of a school division who completed a period of 24 months of leave of absence without pay during October 2013 and who had previously submitted an application for disability retirement to VRS in 2011 may submit an application for disability retirement under the provisions of § 51.1-156. Such application shall be received by the Virginia Retirement System no later than October 1, 2014. This provision shall not be construed to grant relief in any case for which a court of competent jurisdiction has already rendered a decision, as contemplated by Article II, Section 14 of the Constitution of Virginia.

§ 4-6.04 CHARGES

a. FOOD SERVICES: Except as exempted by the prior written approval of the Director, Department of Human Resource Management, and the provisions of § 2.2-3605, Code of Virginia, state employees shall be charged for meals served in state facilities. Charges for meals will be determined by the agency. Such charges shall be not less than the value of raw food and the cost of direct labor and utilities incidental to preparation and service. Each agency shall maintain records as to the calculation of meal charges and revenues collected. Except where appropriations for operation of the food service are from nongeneral funds, all revenues received from such charges shall be paid directly and promptly into the general fund. The provisions of this paragraph shall not apply to on-duty employees assigned to correctional facilities operated by the Departments of Corrections and Juvenile Justice.

b. HOUSING SERVICES:

1. Each agency will collect a fee from state employees who occupy state-owned or leased housing, subject to guidelines provided by the Director, Department of General Services. Each agency head is responsible for establishing a fee for state-owned or leased housing and for documenting in writing why the rate established was selected. In exceptional circumstances, which shall be documented as being in the best interest of the Commonwealth by the agency requesting an exception, the Director, Department of General Services may waive the requirement for collection of fees.

2. All revenues received from housing fees shall be promptly deposited in the state treasury. For housing for which operating expenses or rent are financed by general fund appropriations, such revenues shall be deposited to the credit of the general fund. For housing for which operating expenses or rent are financed by nongeneral fund appropriations, such revenues shall be deposited to the credit of the nongeneral fund. Agencies which provide housing for which operating expenses or rent are financed from both general fund and nongeneral fund appropriations shall allocate such revenues, when deposited in the state treasury, to the appropriate fund sources in the same proportion as the appropriations. However, without exception, any portion of a housing fee attributable to depreciation for housing which was constructed with general fund appropriations shall be paid into the general fund.

c. PARKING SERVICES:

1. State-owned parking facilities

Agencies with parking space for employees in state-owned facilities shall, when required by the Director, Department of General Services, charge employees for such space on a basis approved by the Governor. All revenues received from such charges shall be paid directly and promptly into a special fund in the state treasury to be used, as determined by the Governor,

for payment of costs for the provision of vehicle parking spaces. Interest shall be added to the fund as earned. -

2. Leased parking facilities in metropolitan Richmond area

Agencies occupying private sector leased or rental space in the metropolitan Richmond area, not including institutions of higher education, shall be required to charge a fee to employees for vehicle parking spaces that are assigned to them or are otherwise available either incidental to the lease or rental agreement or pursuant to a separate lease agreement for private parking space. In such cases, the individual employee parking fee shall not be less than that paid by employees parking in Department of General Services parking facilities at the Seat of Government. The Director, Department of General Services may amend or waive the fee requirement for good cause. Revenues derived from employees paying for parking spaces in leased facilities will be retained by the leasing agency to be used to offset the cost of the lease to which it pertains. Any lease for private parking space must be approved by the Director, Department of General Services.

3. The assignment of Lot P1A of the Department of General Services, Capitol Area Site Plan, to include parking spaces 1 through 37, but excluding spaces 34 and 36, which shall be reserved for the Department of General Services, and the surrounding surfaces around those spaces shall be under the control of the Committee on Joint Rules and administered by the Clerk of the House and the Clerk of the Senate. Any employee permanently assigned to any of these spaces shall be subject to the provisions of paragraph 1 of this item.

4. The assignment of 300 parking spaces in the Department of General Services parking facility to be built at the corner of 9th and Broad Streets in the City of Richmond, shall be under the control of the Committee on Joint Rules and administered by the Clerk of the House and the Clerk of the Senate. Such parking spaces shall be subject to the provisions of paragraph 1 of this item.

§ 4-6.05 SELECTION OF APPLICANTS FOR CLASSIFIED POSITIONS

It is the responsibility of state agency heads to ensure that all provisions outlined in Title 2.2, Chapter 29, Code of Virginia (the Virginia Personnel Act), and executive orders that govern the practice of selecting applicants for classified positions are strictly observed. The Governor's Secretaries shall ensure this provision is faithfully enforced.

§ 4-6.06 POSITIONS GOVERNED BY CHAPTERS 933 AND 943 OF THE 2006 ACTS OF ASSEMBLY

Except as provided in subsection A of § 23.1-1020 of the Code of Virginia, § 4-6.00 shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly, with regard to their participating covered employees, as that term is defined in those two chapters, except to the extent a specific appropriation or language in this act addresses such an employee.

§ 4-7.00 STATEWIDE PLANS

§ 4-7.01 MANPOWER CONTROL PROGRAM

a.1. The term Position Level is defined as the number of full-time equivalent (FTE) salaried employees assigned to an agency in this act. Except as provided in § 4-7.01 b, the Position Level number stipulated in an agency's appropriation is the upper limit for agency employment which cannot be exceeded during the fiscal year without approval from the Director, Department of Planning and Budget for Executive Department agencies, approval from the Joint Committee on Rules for Legislative Department agencies or approval from the appropriate governing authority for the independent agencies.

2. Any approval granted under this subsection shall be reported in writing to the Chairmen of the House Appropriations Committee and the Senate Finance Committee, the Governor and the Directors of the Department of Planning and Budget and Department of Human Resource Management within ten days of such approval. Approvals for executive department agencies shall be based on threats to life, safety, health, or property, or compliance with judicial orders or federal mandates, to support federal grants or private donations, to administer a program for another agency or to address an immediate increase in workload or responsibility or when to delay approval of increased positions would result in a curtailment of services prior to the next legislative session. Any such position level increases pursuant to this provision may not be approved for more than one year.

b. The Position Levels stipulated for the individual agencies within the Department of Behavioral Health and Developmental Services and the Department of Corrections are for reference only and are subject to changes by the applicable Department, provided that such changes do not result in exceeding the Position Level for that department.

c.1. The Governor shall implement such policies and procedures as are necessary to ensure that the number of employees in the Executive Department, excluding institutions of higher education and the State Council of Higher Education, may be further restricted to the number required for efficient operation of those programs approved by the General Assembly. Such policies and procedures shall include periodic review and analysis of the staffing requirements of all Executive Department agencies by the Department of Planning and Budget with the object of eliminating through attrition positions not necessary for the efficient operation of programs.

2. The institutions of higher education and the State Council of Higher Education are hereby authorized to fill all positions authorized in this act. This provision shall be waived only upon the Governor's official declaration that a fiscal emergency exists

requiring a change in the official estimate of general fund revenues available for appropriation.

d.1. Position Levels are for reference only and are not binding on agencies in the legislative department, independent agencies, the Executive Offices other than the offices of the Governor's Secretaries, and the judicial department.

2. Positions assigned to programs supported by internal service funds are for reference only and may fluctuate depending upon workload and funding availability.

3. Positions assigned to sponsored programs, auxiliary enterprises, continuing education, and teaching hospitals in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. Positions assigned to Item Detail 43012, State Health Services Technical Support and Administration, at Virginia Commonwealth University are for reference only and may fluctuate depending upon workload and funding availability.

4. Positions assigned to educational and general programs in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. However, total general fund positions filled by an institution of higher education may not exceed 105 percent of the general fund positions appropriated without prior approval from the Director, Department of Planning and Budget.

5. Positions assigned to Item Details 47001, Job Placement Services; 47002, Unemployment Insurance Services; 47003, Workforce Development Services; and 53402, Economic Information Services, at the Virginia Employment Commission are for reference only and may fluctuate depending upon workload and funding availability. Unless otherwise required by the funding source, after enactment of this act, any new positions hired using this provision shall not be subject to transitional severance benefit provisions of the Workforce Transition Act of 1995, Title 2.2, Chapter 32, Code of Virginia.

e. Prior to implementing any Executive Department hiring freeze, the Governor shall consider the needs of the Commonwealth in regards to the safe and efficient operation of state facilities and performance of essential services to include the exemption of certain positions assigned to agencies and institutions that provide services pertaining to public safety and public health from such hiring freezes.

f.1. Full-time, part-time, wage or contractual state employees assigned to the Governor's Cabinet Secretaries from agencies and institutions under their control for the purpose of carrying out temporary assignments or projects may not be so assigned for a period exceeding 180 days in any calendar year. The permanent transfer of positions from an agency or institution to the Offices of the Secretaries, or the temporary assignment of agency or institutional employees to the Offices of the Secretaries for periods exceeding 180 days in any calendar year regardless of the separate or discrete nature of the projects, is prohibited without the prior approval of the General Assembly.

2. Not more than three positions in total, as described in subsection 1 hereof, may be assigned at any time to the Office of any Cabinet Secretary, unless specifically approved in writing by the Governor. The Governor shall notify the Chairmen of the House Appropriations and Senate Finance Committees in the case of any such approvals.

g. All state employees, including those in the legislative, judicial, and executive branches and the independent agencies of the Commonwealth, who are not eligible for benefits under a health care plan established and administered by the Department of Human Resource Management (DHRM) pursuant to Va. Code § 2.2-2818, or by an agency administering its own health care plan, may not work more than 29 hours per week on average over a twelve month period. Adjunct faculty at institutions of higher education may not work more than 29 hours per week on average over a twelve month period, including classroom or other instructional time plus additional hours determined by the institution as necessary to perform the adjunct faculty's duties. DHRM shall provide relevant program requirements to agencies and employees, including, but not limited to, information on wage, variable and seasonal employees. All state agencies/employers in all branches of government shall provide information requested by DHRM concerning hours worked by employees as needed to comply with the Affordable Care Act (the "Act") and this provision. State agencies/employers are accountable for compliance with this provision, and are responsible for any costs associated with maintaining compliance with it and for any costs or penalties associated with any violations of the Act or regulations thereunder and any such costs shall be borne by the agency from existing appropriations. The provisions of this paragraph shall not apply to employees of state teaching hospitals that have their own health insurance plan; however, the state teaching hospitals are accountable for compliance with, and are responsible for any costs associated with maintaining compliance with the Act and for any costs or penalties associated with any violations of the Act or regulations thereunder and any such costs shall be borne by the agency from existing appropriations. Subject to approval of the Governor, DHRM shall modify this provision consistent with any updates or changes to federal law and regulations.

§ 4-8.00 REPORTING REQUIREMENTS

§ 4-8.01 GOVERNOR

a. General:

1. The Governor shall submit the information specified in this section to the Chairmen of the House Appropriations and Senate Finance Committees on a monthly basis, or at such intervals as may be directed by said Chairmen, or as specified elsewhere in

1 this act. The information on agency operating plans and expenditures as well as agency budget requests shall be submitted in such
2 form, and by such method, including electronically, as may be mutually agreed upon. Such information shall be preserved for public
3 inspection in the Department of Planning and Budget.

4 2. The Governor shall make available annually to the Chairmen of the Senate Finance, House Finance, and House Appropriations
5 Committees a report concerning the receipt of any nongeneral funds above the amount(s) specifically appropriated, their sources,
6 and the amounts for each agency affected.

7 3. a) It is the intent of the General Assembly that reporting requirements affecting state institutions of higher education be reduced or
8 consolidated where appropriate. State institutions of higher education, working with the Secretary of Education and Workforce,
9 Secretary of Finance, and the Director, Department of Planning and Budget, shall continue to identify specific reporting
10 requirements that the Governor may consider suspending.

11 b) Reporting generally should be limited to instances where (1) there is a compelling state interest for state agencies to collect, use,
12 and maintain the information collected; (2) substantial risk to the public welfare or safety would result from failing to collect the
13 information; or (3) the information collected is central to an essential state process mandated by the Code of Virginia.

14 c) Upon the effective date of this act, and until its expiration date, the following reporting requirements are hereby suspended or
15 modified as specified below:

16	Agency	Report Title of Descriptor	Authority	Action
17	Department of Accounts	Intercollegiate Athletics	Code of Virginia § 23.1-102.	Suspend reporting.
18		Receipts & Disbursements		
19	Department of Accounts	Prompt Pay Summary Report	Agency Directive	Change reporting from
20				monthly to quarterly.
21	Department of General Services	Usage of State-Assigned and	Agency Directive -- Executive	Suspend reporting.
22		State-Owned Vehicles Report	Order 89 (2005)	
23	Department of General Services	Gas Report/Repair Charge	Agency Directive--Executive	Suspend reporting.
24			Order 89 (2005)	
25	Department of Human Resource	Report of Personnel	Agency Directive	Suspend reporting.
26	Management	Development Service		
27	Department of Human Resource	Human Capital Report (Full-	Code of Virginia § 2.2-1201. A.	Change reporting from
28	Management	Time, Part-Time, Temporary,	14.	annually to monthly.
29		Contractual employees funded		
30		by the Commonwealth)		
31	Department of Human Resource	Work-related injuries and	Agency Directive -- Executive	Suspend reporting.
32	Management State Employee	illnesses report -- goals,	Order 94 (2005)	
33	Workers' Compensation	strategies, and results		
34	Program			
35	Governor's Office	Small, Women-and Minority-	Executive Directive	Change reporting from
36		owned Businesses (SWaM)		weekly to monthly.
37	Secretary of Commerce and	Recruitment of National and	Agency Directive -- Executive	Suspend reporting.
38	Trade	Regional Conferences Report	Order 14 (2006)	

39 d) The Department of Planning and Budget (DPB) and the State Council of Higher Education for Virginia (SCHEV) shall work
40 jointly to attempt to consolidate various reporting requirements pertaining to the estimates and projections of nongeneral fund
41 revenues in institutions of higher education. The purpose of this effort shall be aimed at developing a common form for use in
42 collecting nongeneral fund data for DPB's six-year nongeneral fund revenue estimate submission and SCHEV's annual survey of
43 nongeneral fund revenue from institutions of higher education.

44 4.a) Except for the reports required under Item 479.10 of this act, the Governor may delay or defer the submission of any report or
45 study that is required by the Code of Virginia or by this Act of a state entity, including agencies, boards, commissions, and
46 authorities, and that is due prior to June 30, 2021, if in the opinion of the Governor, meeting the reporting deadline is either not
47 possible or is impractical due to impacts of the COVID-19 pandemic on the reporting entity. Reporting entities seeking approval of

the Governor to grant such a delay must submit a written request to the Governor no less than 30 days prior to the reporting deadline. Upon receiving approval from the Governor, the reporting entity shall provide the parties designated to receive the report with notice of an approved delay. This notice shall be in lieu of the required report until such time as the required report is submitted. Any report receiving approval for delayed submission shall be submitted as soon as the reporting entity can resume normal business operations and can complete the work necessary to compile the report; however, no report shall be submitted later than 12 months from the original reporting requirement.

b) The Governor may establish guidelines for the submission and approval process described in paragraph a) above.

b. Operating Appropriations Reports:

1. Status of Adjustments to Appropriations. Such information must include increases and decreases of appropriations or allotments, transfers and additional revenues. A report of appropriation transfers from one agency to another made pursuant to § 4-1.03 of this act shall be made available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees, and the public by the tenth day of the month following that in which such transfer occurs, unless otherwise specified in § 4-1.03.

2. Status of each sum sufficient appropriation. The information must include the amount of expenditures for the period just completed and the revised estimates of expenditures for the remaining period of the current biennium, as well as an explanation of differences between the amount of the actual appropriation and actual and/or projected appropriations for each year of the current biennium.

3. Status of Economic Contingency Appropriation. The information must include actions taken related to the appropriation for economic contingency.

4. Status of Withholding Appropriations. The information must include amounts withheld and the agencies affected.

5. Status of reductions occurring in general and nongeneral fund revenues in relation to appropriations.

6. Status of approvals of deficits.

c. Employment Reports:

1. Status of changes in positions and employment of state agencies affected. The information must include the number of positions and the agencies affected.

2. Status of the employment by the Attorney General of special counsel in certain highway proceedings brought pursuant to Chapter 10 of Title 33.2, Code of Virginia, on behalf of the Commissioner of Highways, as authorized by § 2.2-510, Code of Virginia. This report shall include fees for special counsel for the respective county or city for which the expenditure is made and shall be submitted within 60 days of the close of the fiscal year (see § 4-5.02 a.3).

3. Changes in the level of compensation authorized pursuant to § 4-6.01 k, Employee Compensation. Such report shall include a list of the positions changed, the number of employees affected, the source and amount of funds, and the nature of the emergency.

4. Pursuant to requirements of § 2.2-203.1, Code of Virginia, the Secretary of Administration, in cooperation with the Secretary of Technology, shall provide a report describing the Commonwealth's telecommuting policies, which state agencies and localities have adopted telecommuting policies, the number of state employees who telecommute, the frequency with which state employees telecommute by locality, and the efficacy of telecommuting policies in accomplishing the provision of state services and completing state functions. This report shall be provided to the Chairmen of the House Committee on Appropriations, the House Committee on Science and Technology, the Senate Committee on Finance, and the Senate Committee on General Laws and Technology each year by October 1.

d. Capital Appropriations Reports:

1. Status of progress of capital projects on an annual basis (see § 4-4.01 o).

2. Notice of all capital projects authorized under § 4-4.01 m (see § 4-4.01 m. 1. b) 4)).

e. Utilization of State Owned and Leased Real Property:

1. By November 15 of each year, the Department of General Services (DGS) shall consolidate the reporting requirements of § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia into a single report eliminating the individual reports required by § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia. This report shall be submitted to the Governor and the General Assembly and include (i) information on the implementation and effectiveness of the program established pursuant to subsection A of § 2.2-1131.1, (ii) a listing of real property leases that are in effect for the current year, the agency executing the lease, the amount of space leased, the population of each leased facility, and the annual cost of the lease; and, (iii) a report on DGS's findings and recommendations under the provisions of § 2.2-1153, and recommendations for any actions that may be required by the

Governor and the General Assembly to identify and dispose of property not being efficiently and effectively utilized.

2. By October 1 of each year, each agency that controls leased property, where such leased property is not under the DGS lease administration program, shall provide a report on each leased facility or portion thereof to DGS in a manner and form prescribed by DGS. Specific data included in the report shall identify at a minimum, the number of square feet occupied, the number of employees and contractors working in the leased space, if applicable, and the cost of the lease.

f. Services Reports:

Status of any exemptions by the State Council of Higher Education to policy which prohibits use of funds in this act for the operation of any academic program by any state institution of higher education, unless approved by the Council and included in the Governor's recommended budget, or approved by the General Assembly (see § 4-5.05 b 2).

g. Standard State Agency Abbreviations:

The Department of Planning and Budget shall be responsible for maintaining a list of standard abbreviations of the names of state agencies. The Department shall make a listing of agency standard abbreviations available via electronic means on a continuous basis to the Chairmen of the House Appropriations and Senate Finance Committees, the State Comptroller, the Director, Department of Human Resource Management and the Chief Information Officer, Virginia Information Technologies Agency, and the public.

h. Educational and General Program Nongeneral Fund Administrative Appropriations Approved by the Department of Planning and Budget:

The Secretary of Finance and Secretary of Education, in collaboration with the Director, Department of Planning and Budget, shall report in December and June of each year to the Chairmen of the House Appropriations and Senate Finance Committees on adjustments made to higher education operating funds in the Educational and General Programs (10000) items for each public college and university contained in this budget. The report shall include actual or projected adjustments which increase nongeneral funds or actual or projected adjustments that transfer nongeneral funds to other items within the institution. The report shall provide the justification for the increase or transfer and the relative impact on student groups.

§ 4-8.02 STATE AGENCIES

a. As received, all state agencies shall forward copies of each federal audit performed on agency or institution programs or activities to the Auditor of Public Accounts and to the State Comptroller. Upon request, all state agencies shall provide copies of all internal audit reports and access to all working papers prepared by such auditors to the Auditor of Public Accounts and to the State Comptroller.

b. Annually: Within five calendar days after state agencies submit their budget requests, amendment briefs, or requests for amendments to the Department of Planning and Budget, the Director, Department of Planning and Budget shall submit, electronically if available, copies to the Chairmen of the Senate Finance and House Appropriations Committees.

c. By September 1 of each year, state agencies receiving any asset as the result of a law-enforcement seizure and subsequent forfeiture by either a state or federal court, shall submit a report identifying all such assets received during the prior fiscal year and their estimated net worth, to the Chairmen of the House Appropriations and Senate Finance Committees.

d. Any state agency that is required to return federal grant funding as a result of not fulfilling the specifications of a grant, shall, as soon as practicable but no later than November 1st, report to the Chairmen of the Senate Finance and House Appropriations Committees of such forfeiting of federal grant funding.

§ 4-8.03 LOCAL GOVERNMENTS

a.1. The Auditor of Public Accounts shall establish a workgroup to develop criteria for a preliminary determination that a local government may be in fiscal distress. Such criteria shall be based upon information regularly collected by the Commonwealth or otherwise regularly made public by the local government. This information includes expenditure reports submitted to the Auditor, budget information posted on local government websites, and reports prepared by the Commission on Local Government on revenue fiscal stress. Information provided by the Virginia Retirement System, the Virginia Resources Authority, the Virginia Public Building Authority, and other state and regional authorities concerning late or missed debt service payments shall be shared with the Auditor. Fiscal distress as used in this context shall mean a situation whereby the provision and sustainability of public services is threatened by various administrative and financial shortcomings including but not limited to cash flow issues; inability to pay expenses; revenue shortfalls; deficit spending; structurally imbalanced budgets; billing and revenue collection inadequacies and discrepancies; debt overload; failure to meet obligations to authorities, school divisions, or political subdivisions of the Commonwealth; and/or lack of trained and qualified staff to process administrative and financial transactions. Fiscal distress may be caused by factors internal to the unit of government or external to the unit of government and in various degrees such conditions may or may not be controllable by management, or the local governing body, or its constitutional officers.

2. Based upon the criteria established by the workgroup and using information identified above, the Auditor of Public Accounts shall establish a prioritized early warning system. Under the prioritized early warning system, the Auditor of Public Accounts shall

1 establish a regular process whereby it reviews data on at least an annual basis to make a preliminary determination that a local
2 government is in fiscal distress.

3 3. For local governments where the Auditor of Public Accounts has made a preliminary determination of fiscal distress based
4 upon the early warning system criteria, the Auditor of Public Accounts shall notify the local governing body of its preliminary
5 determination that it may meet the criteria for fiscal distress. Based upon the request of the local governing body or chief
6 executive officer, the Auditor of Public Accounts may conduct a review and request documents and data from the local
7 government. Such review shall consider factors including, but not limited to, budget processes, debt, borrowing, expenses and
8 payables, revenues and receivables, and other areas including staffing, and the identification of external variables contributing
9 to a locality's financial position, and if so, the scope of the issues involved. Any local governing body that receives requests for
10 information from the Auditor of Public Accounts pursuant to such preliminary determination based on the above described
11 threshold levels shall acknowledge receipt of such a request and shall ensure that a response is provided within the time frames
12 specified by the Auditor of Public Accounts. After such review, if the Auditor of Public Accounts is of the opinion that state
13 assistance, oversight, or targeted intervention is needed, either to further assess, help stabilize, or remediate the situation, the
14 Auditor shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees, and the
15 governing body of the local government in writing outlining specific issues or actions that need to be addressed by state
16 intervention.

17 4. The notification issued by the Auditor of Public Accounts pursuant to paragraph 3 above shall satisfy the notification
18 requirement necessary to effectuate the provisions of this act in paragraph b.3 below.

19 b.1. The Director of the Department of Planning and Budget shall identify any amounts remaining unexpended from general
20 fund appropriations in this Act as of June 30 of each year, which constitute state aid to local governments. The Director shall
21 provide a listing of such amounts designated by item number and by program on or before August 15 of each year, to the
22 Governor and the Chairmen of the House Appropriations Committee and the Senate Finance Committee.

23 2. From such unexpended balances identified by the Director of the Department of Planning and Budget, the Governor may
24 reappropriate up to \$750,000 from amounts which would otherwise revert to the balance of the general fund and transfer such
25 amounts as necessary to establish a component of fund balance which may be used for the purpose of providing technical
26 assistance and intervention actions for local governments deemed to be fiscally distressed and in need of intervention to address
27 such distress. Any such reappropriation approved by the Governor, shall be separately identified in the commitments specified
28 on the balance sheet and financial statements of the State Comptroller for the close of each fiscal year, to the extent that such
29 reserve is not used or added to by future appropriation actions.

30 3. Prior to any expenditure of the reappropriated reserve, the Governor and the Chairmen of the House Appropriations
31 Committee and the Senate Finance Committee must receive a notification from the Auditor of Public Accounts that a specific
32 locality is in need of intervention because of a worsening financial situation. The Auditor of Public Accounts may issue such a
33 notification upon receipt of audited financial statement or other information that indicates the existence of fiscal distress. But,
34 no such notification shall be made until appropriate follow up and correspondence ascertains that, in the opinion of the Auditor
35 of Public Accounts, such fiscal distress indeed exists. Such notification may also be issued by the Auditor of Public Accounts if
36 written concerns raised about fiscal distress are not adequately addressed by the locality in question.

37 4. Once the Governor has received a notification from the Auditor of Public Accounts indicating fiscal distress in a specific
38 local government, the Governor shall consult with the Chairmen of the House Appropriations Committee and the Senate
39 Finance Committee about a plan for state intervention prior to any expenditure of funds from the cash reserve. Any plan
40 approved by the Governor for intervention should, at a minimum, specify the purpose of such intervention, the estimated
41 duration of the intervention, and the anticipated resources (dollars and personnel) directed toward such effort. The staffing
42 necessary to carry out the intervention plan may be assembled from either public agencies or private entities or both and,
43 notwithstanding any other provisions of law, the Governor may use an expedited method of procurement to secure such staffing
44 when, in his judgment, the need for intervention is of an emergency nature such that action must be taken in a timely manner to
45 avoid or address unacceptable financial risks to the Commonwealth.

46 5. The governing body and the elected constitutional officers of a locality subject to an intervention plan approved by the
47 Governor shall assist all state appointed staff conducting the intervention regardless of whether such staff are from public
48 agencies or private entities. Intervention staff shall provide periodic reports in writing to the Governor and the Chairmen of the
49 House Appropriations Committee and the Senate Finance Committee outlining the scope of issues discovered and any
50 recommendations made to remediate such issues, and the progress that is made on such recommendations or other remediation
51 efforts. These periodic reports shall specifically address the degree of cooperation the intervention team is receiving from
52 locally elected officials, including constitutional officers, city, county, or town managers and other local personnel in regards to
53 their intervention work.

54 6. The Department of General Services is hereby encouraged to develop a master contract of qualified private sector turnaround
55 specialists with expertise in local government intervention that the Governor can use to procure intervention services in an
56 expeditious manner when he determines that state intervention is warranted in situations of local fiscal distress.

c. No locality that has been previously authorized as an eligible host city pursuant to § 58.1-4107, Code of Virginia, to conduct casino gaming which held a local referendum on November 2, 2021, that failed, shall be eligible to hold a subsequent local referendum until November 2023.

§ 4-9.00 HIGHER EDUCATION RESTRUCTURING

§ 4-9.01 ASSESSMENT OF INSTITUTIONAL PERFORMANCE

Consistent with § 23.1-206, Code of Virginia, the following education-related and financial and administrative management measures shall be the basis on which the State Council of Higher Education shall annually assess and certify institutional performance. Such certification shall be completed and forwarded in writing to the Governor and the General Assembly no later than October 1 of each even-numbered year. Institutional performance on measures set forth in paragraph D of this section shall be evaluated year-to-date by the Secretaries of Finance and Administration as appropriate, and communicated to the State Council of Higher Education before October 1 of each even-numbered year. Financial benefits provided to each institution in accordance with § 23.1-1002 will be evaluated in light of that institution's performance.

In general, institutions are expected to achieve all performance measures in order to be certified by SCHEV, but it is understood that there can be circumstances beyond an institution's control that may prevent achieving one or more performance measures. The Council shall consider, in consultation with each institution, such factors in its review: (1) institutions meeting all performance measures will be certified by the Council and recommended to receive the financial benefits, (2) institutions that do not meet all performance measures will be evaluated by the Council and the Council may take one or more of the following actions: (a) request the institution provide a remediation plan and recommend that the Governor withhold release of financial benefits until Council review of the remediation plan or (b) recommend that the Governor withhold all or part of financial benefits.

Further, the State Council shall have broad authority to certify institutions as having met the standards on education-related measures. The State Council shall likewise have the authority to exempt institutions from certification on education-related measures that the State Council deems unrelated to an institution's mission or unnecessary given the institution's level of performance.

The State Council may develop, adopt, and publish standards for granting exemptions and ongoing modifications to the certification process.

a. BIENNIAL ASSESSMENTS

1. Institution meets at least 95 percent of its State Council-approved biennial projections for in-state undergraduate headcount enrollment.

2. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state associate and bachelor degree awards.

3. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state STEM-H (Science, Technology, Engineering, Mathematics, and Health professions) associate and bachelor degree awards.

4. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state, upper level - sophomore level for two-year institutions and junior and senior level for four-year institutions - program-placed, full-time equivalent students.

5. Maintain or increase the number of in-state associate and bachelor degrees awarded to students from under-represented populations.

6. Maintain or increase the number of in-state two-year transfers to four-year institutions.

b. Elementary and Secondary Education

1. The Virginia Department of Education shall share data on teachers, including identifying information, with the State Council of Higher Education for Virginia in order to evaluate the efficacy of approved programs of teacher education, the production and retention of teachers, and the exiting of teachers from the teaching profession.

2. a) The Virginia Department of Education and the State Council of Higher Education for Virginia shall share personally identifiable information from education records in order to evaluate and study student preparation for and enrollment and performance at state institutions of higher education in order to improve educational policy and instruction in the Commonwealth. However, such study shall be conducted in such a manner as to not permit the personal identification of students by persons other than representatives of the Department of Education or the State Council for Higher Education for Virginia, and such shared information shall be destroyed when no longer needed for purposes of the study.

b) Notwithstanding § 2.2-3800 of the Code of Virginia, the Virginia Department of Education, State Council of Higher Education for Virginia, Virginia Community College System, and the Virginia Employment Commission may collect, use, share, and maintain

de-identified student data to improve student and program performance including those for career readiness.

3. Institutions of higher education shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the purpose of studying student preparation as it relates to the content and rigor of the Standards of Learning. Furthermore, the superintendent of each school division shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the same purpose. All information provided to the Superintendent or his designee for this purpose shall be used solely for the purpose of evaluating the Standards of Learning and shall not be redisclosed, except as provided under federal law. All information shall be destroyed when no longer needed for the purposes of studying the content and rigor of the Standards of Learning.

c. SIX-YEAR PLAN

Institution prepares six-year financial plan consistent with § 23.1-907.

d. FINANCIAL AND ADMINISTRATIVE STANDARDS

The financial and administrative standards apply to all institutions except those governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly.

1. As specified in § 2.2-5004, Code of Virginia, institution takes all appropriate actions to meet the following financial and administrative standards:

a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;

b) No significant audit deficiencies attested to by the Auditor of Public Accounts;

c) Substantial compliance with all financial reporting standards approved by the State Comptroller;

d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and

e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.

2. Institution complies with a debt management policy approved by its governing board that defines the maximum percent of institutional resources that can be used to pay debt service in a fiscal year, and the maximum amount of debt that can be prudently issued within a specified period.

3. The institution will achieve the classified staff turnover rate goal established by the institution; however, a variance of 15 percent from the established goal will be acceptable.

4. The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) plan as submitted to the Department of Small Business and Supplier Diversity; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable.

The institution will make no less than 75 percent of dollar purchases through the Commonwealth's enterprise-wide internet procurement system (eVA) from vendor locations registered in eVA.

5. The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally approved by the institution's governing board for projects initiated under delegated authority, or the budget set out in the Appropriation Act or other Acts of Assembly. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether the institution shall be considered in compliance with the measure despite the cost overrun.

6. The institution will complete major information technology projects (with an individual cost of over \$1,000,000) within the budgets and schedules originally approved by the institution's governing board. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Administration shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay.

e. FINANCIAL AND ADMINISTRATIVE STANDARDS

The financial and administrative standards apply to institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly. They shall be measured by the administrative standards outlined in the Management Agreements and § 4-9.02.d.4. of this act. However, the Governor may supplement or replace those administrative

performance measures with the administrative performance measures listed in this paragraph. Effective July 1, 2009, the following administrative and financial measures shall be used for the assessment of institutional performance for institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly and those governed under Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly.

1. Financial

- a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;
- b) No significant audit deficiencies attested to by the Auditor of Public Accounts;
- c) Substantial compliance with all financial reporting standards approved by the State Comptroller;
- d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and
- e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.

2. Debt Management

- a) The institution shall maintain a bond rating of AA- or better;
- b) The institution achieves a three-year average rate of return at least equal to the money.net money market index fund; and
- c) The institution maintains a debt burden ratio equal to or less than the level approved by the Board of Visitors in its debt management policy.

3. Human Resources

- a) The institution's voluntary turnover rate for classified plus university/college employees will meet the voluntary turnover rate for state classified employees within a variance of 15 percent; and
- b) The institution achieves a rate of internal progression within a range of 40 to 60 percent of the total salaried staff hires for the fiscal year.

4. Procurement

- a) The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) procurement plan as submitted to the Department of Small Business and Supplier Diversity; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable; and
- b) The institution will make no less than 80 percent of purchase transactions through the Commonwealth's enterprise-wide internet procurement system (eVA) with no less than 75 percent of dollars to vendor locations in eVA.

5. Capital Outlay

- a) The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally approved by the institution's governing board at the preliminary design state for projects initiated under delegated authority, or the budget set out in the Appropriation Act or other Acts of Assembly which provides construction funding for the project at the preliminary design state. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether the institution shall be considered in compliance with the measure despite the cost overrun;
- b) The institution shall complete capital projects with the dollar amount of owner requested change orders not more than 2 percent of the guaranteed maximum price (GMP) or construction price; and
- c) The institution shall pay competitive rates for leased office space – the average cost per square foot for office space leased by the institution is within 5 percent of the average commercial business district lease rate for similar quality space within reasonable proximity to the institution's campus.

6. Information Technology

- a) The institution will complete major information technology projects (with an individual cost of over \$1,000,000) on time and on budget against their managed project baseline. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Technology shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay; and

b) The institution will maintain compliance with institutional security standards as evaluated in internal and external audits. The institution will have no significant audit deficiencies unresolved beyond one year.

f. REPORTING

The Director, Department of Planning and Budget, with cooperation from the Comptroller and institutions of higher education governed under Management Agreements, shall develop uniform reporting requirements and formats for revenue and expenditure data.

g. EXEMPTION

The requirements of this section shall not be in effect if they conflict with § 23.1-206.D. of Chapters 828 and 869 of the Acts of Assembly of 2011.

§ 4-9.02 LEVEL II AUTHORITY

a. Notwithstanding the provisions of § 5 of Chapter 824 and 829 of the 2008 Acts of Assembly, institutions of higher education that have met the eligibility criteria for additional operational and administrative authority set forth in Chapters 824 and 829 of the 2008 Acts of Assembly shall be allowed to enter into separate negotiations for additional operational authority for a third and separate functional area listed in Chapter 824 and 829 of the 2008 Acts of Assembly, provided they have:

1. successfully completed at least three years of effectiveness and efficiencies operating under such additional authority granted by an original memorandum of understanding;

2. successfully renewed an additional memoranda of understanding for a five year term for each of the original two areas.

The institutions shall meet all criteria and follow policies for negotiating and establishing a memorandum of understanding with the Commonwealth of Virginia as provided in § 2.0 (Information Technology), § 3.0 (Procurement), and § 4.0 (Capital Outlay) of Chapter 824 and 829 of the 2008 Acts of Assembly.

b. As part of the memorandum of understanding, each institution shall be required to adopt at least one new education-related measure for the new area of operational authority. Each education-related measure and its respective target shall be developed in consultation with the Secretary of Finance, Secretary of Education, the appropriate Cabinet Secretary, and the State Council of Higher Education for Virginia. Each education-related measure and its respective target must be approved by the State Council of Higher Education for Virginia. The development and administration of education-related measures described in paragraph b. and in § 23.1-1003 A.3. are suspended through 2020-2022.

c. 1. As part of a five-year pilot program, George Mason University is authorized, for a period of five years, to exercise additional financial and administrative authority as set out in each of the three functional areas of information technology, procurement and capital projects as set forth and subject to all the conditions in §§ 2.0, 3.0 and 4.0 of the second enactment of Chapter 824 and 829 of the Acts of Assembly of 2008 except that (i) any effective dates contained in Chapter 824 and 829 of the Acts of Assembly of 2008 are superseded by the provisions of this item, and (ii) the institution is not required to have a signed memorandum of understanding with the Secretary of Administration regarding participation in the nongeneral fund decentralization program as provided in subsection C of § 2.2-1132 in order to be eligible for the additional capital project authority.

2. In addition, the institution shall exercise additional financial and administrative authority over financial operations as follows:

a). BOARD OF VISITORS ACCOUNTABILITY AND DELEGATION OF AUTHORITY.

The Board of Visitors of the University shall at all times be fully and ultimately accountable for the proper fulfillment of the duties and responsibilities set forth in, and for the appropriate implementation of, this Policy. Consistent with this full and ultimate accountability, however, the Board may, pursuant to its legally permissible procedures, specifically delegate either herein or by separate Board resolution the duties and responsibilities set forth in this Policy to a person or persons within the University, who, while continuing to be fully accountable for such duties and responsibilities, may further delegate the implementation of those duties and responsibilities pursuant to the University's usual delegation policies and procedures.

b) FINANCIAL MANAGEMENT AND REPORTING SYSTEM.

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to be authorized by the Board to maintain existing and implement new policies governing the management of University financial resources. These policies shall continue to (i) ensure compliance with Generally Accepted Accounting Principles, (ii) ensure consistency with the current accounting principles employed by the Commonwealth, including the use of fund accounting principles, with regard to the establishment of the underlying accounting records of the University and the allocation and utilization of resources within the accounting system, including the relevant guidance provided by the State Council of Higher Education for Virginia chart of accounts with regard to the allocation and proper use of funds from specific

types of fund sources, (iii) provide adequate risk management and internal controls to protect and safeguard all financial resources, including moneys transferred to the University pursuant to a general fund appropriation, and ensure compliance with the requirements of the Appropriation Act.

The financial management system shall continue to include a financial reporting system to satisfy both the requirements for inclusion into the Commonwealth's Comprehensive Annual Financial Report, as specified in the related State Comptroller's Directives, and the University's separately audited financial statements. To ensure observance of limitations and restrictions placed on the use of the resources available to the University, the accounting and bookkeeping system of the University shall continue to be maintained in accordance with the principles prescribed for governmental organizations by the Governmental Accounting Standards Board.

In addition, the financial management system shall continue to provide financial reporting for the President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, and the Board of Visitors to enable them to provide adequate oversight of the financial operations of the University.

c) FINANCIAL MANAGEMENT POLICIES.

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall create and implement any and all financial management policies necessary to establish a financial management system with adequate risk management and internal control processes and procedures for the effective protection and management of all University financial resources. Such policies will not address the underlying accounting principles and policies employed by the Commonwealth and the University, but rather will focus on the internal operations of the University's financial management. These policies shall include, but need not be limited to, the development of a tailored set of finance and accounting practices that seek to support the University's specific business and administrative operating environment in order to improve the efficiency and effectiveness of its business and administrative functions. In general, the system of independent financial management policies shall be guided by the general principles contained in the Commonwealth's Accounting Policies and Procedures such as establishing strong risk management and internal accounting controls to ensure University financial resources are properly safeguarded and that appropriate stewardship of public funds is obtained through management's oversight of the effective and efficient use of such funds in the performance of University programs.

The University shall continue to follow the Commonwealth's accounting policies until such time as specific alternate policies can be developed, approved and implemented. Such alternate policies shall include applicable accountability measures and shall be submitted to the State Comptroller for review and comment before they are implemented by the University.

d) FINANCIAL RESOURCE RETENTION AND MANAGEMENT.

The Board of Visitors shall retain the authority to establish tuition, fee, room, board, and other charges, with appropriate commitment provided to need-based grant aid for middle- and lower-income undergraduate Virginians. Except as provided otherwise in the Appropriation Act, it is the intent of the Commonwealth and the University that the University shall be exempt from the revenue restrictions in the general provisions of the Appropriation Act related to non-general funds. In addition, unless prohibited by the Appropriation Act, it is the intent of the Commonwealth and the University that the University shall be entitled to retain non-general fund savings generated from changes in Commonwealth rates and charges, including but not limited to health, life, and disability insurance rates, retirement contribution rates, telecommunications charges, and utility rates, rather than reverting such savings back to the Commonwealth. This financial resource policy assists the University by providing the framework for retaining and managing non-general funds, for the receipt of general funds, and for the use and stewardship of all these funds.

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to provide oversight of the University's cash management system which is the framework for the retention of non-general funds. The Internal Audit Department of the University shall periodically audit the University's cash management system in accordance with appropriate risk assessment models and make reports to the Audit and Compliance Committee of the Board of Visitors. Additional oversight shall continue to be provided through the annual audit and assessment of internal controls performed by the Auditor of Public Accounts. For the receipt of general and non-general funds, the University shall conform to the Security for Public Deposits Act, Chapter 44 (§ 2.2-4400 et seq.) of Title 2.2 of the Code of Virginia as it currently exists and from time to time may be amended.

e) ACCOUNTS RECEIVABLE MANAGEMENT AND COLLECTION.

The President, through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to be authorized to create and implement any and all Accounts Receivable Management and Collection policies as part of a system for the management of University financial resources. The policies shall be guided by the requirements of the Virginia Debt Collection Act, Chapter 48 (§ 2.2-4800 et seq.) of the Code of Virginia, such that the University shall take all appropriate and cost effective actions to aggressively collect accounts receivable in a timely manner.

These shall include, but not be limited to, establishing the criteria for granting credit to University customers; establishing the nature and timing of collection procedures within the above general principles; and the independent authority to select and contract with collection agencies and, after consultation with the Office of the Attorney General, private attorneys as needed to perform any and all collection activities for all University accounts receivable such as reporting delinquent accounts to credit bureaus, obtaining

judgments, garnishments, and liens against such debtors, and other actions. In accordance with sound collection activities, the University shall continue to utilize the Commonwealth's Debt Set-Off Collection Programs, shall develop procedures acceptable to the Tax Commissioner and the State Comptroller to implement such Programs, and shall provide a quarterly summary report of receivables to the Department of Accounts in accordance with the reporting procedures established pursuant to the Virginia Debt Collection Act.

f) DISBURSEMENT MANAGEMENT.

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to be authorized to create and implement any and all disbursement policies as part of a system for the management of University financial resources. The disbursement management policies shall continue to define the appropriate and reasonable uses of all funds, from whatever source derived, in the execution of the University's operations. These policies also shall continue to address the timing of appropriate and reasonable disbursements consistent with the Prompt Payment Act, and the appropriateness of certain goods or services relative to the University's mission, including travel-related disbursements. Further, the University's disbursement policy shall continue to provide for the mechanisms by which payments are made including the use of charge cards, warrants, and electronic payments.

These disbursement policies shall authorize the President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, to independently select, engage, and contract for such consultants, accountants, and financial experts, and other such providers of expert advice and consultation, and, after consultation with the Office of the Attorney General, private attorneys, as may be necessary or desirable in his or her discretion. The policies also shall continue to include the ability to locally manage and administer the Commonwealth's credit card and cost recovery programs related to disbursements, subject to any restrictions contained in the Commonwealth's contracts governing those programs, provided that the University shall submit the credit card and cost recovery aspects of its financial and operations policies to the State Comptroller for review and comment prior to implementing those aspects of those policies. The disbursement policies shall ensure that adequate risk management and internal control procedures shall be maintained over previously decentralized processes for public records, payroll, and non-payroll disbursements. The University shall continue to provide summary quarterly prompt payment reports to the Department of Accounts in accordance with the reporting procedures established pursuant to the Prompt Payment Act.

The University's disbursement policies shall be guided by the principles of the Commonwealth's policies as included in the Commonwealth's Accounting Policy and Procedures Manual. The University shall continue to follow the Commonwealth's disbursement policies until such time as specific alternative policies can be developed, approved and implemented. Such alternate policies shall be submitted to the State Comptroller for review and comment prior to their implementation by the University.

3. The Auditor of Public Accounts or his legally authorized representatives shall audit annually the accounts of each institution and shall distribute copies of each annual audit to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. Pursuant to § 30-133, the Auditor of Public Accounts and his legally authorized representatives shall examine annually the accounts and books of each such institution, but the institution shall not be deemed to be a state or governmental agency, advisory agency, public body, or agency or instrumentality for purposes of Chapter 14 (§ 30-130 et seq.) of Title 30 except for those provisions in such chapter that relate to requirements for financial recordkeeping and bookkeeping. Each such institution shall be subject to periodic external review by the Joint Legislative and Audit Review Commission and such other reviews and audits as shall be required by law.

d. Subject to review of its Shared Services Center by the Department of General Services, and approval to proceed with decentralized procurement of authority by the Department of General Services, the Virginia Community College System (VCCS) is authorized, for a period of five years, to exercise additional financial and administrative authority as set out in each of the three functional areas of information technology, procurement and capital projects as set forth and subject to all the conditions in §§ 2.0, 3.0 and 4.0 of the second enactment of Chapter 824 and 829 of the Acts of Assembly of 2008 except that (i) any effective dates contained in Chapter 824 and 829 of the Acts of Assembly of 2008 are superseded by the provisions of this item. The State Board for Community Colleges may request any subsequent delegation of procurement authority after consultation with and positive recommendation by the Department of General Services.

e. Notwithstanding the small purchase thresholds set forth in the Rules Governing Procurement for institutions of higher education that have operational authority in the area of procurement, the small purchases thresholds shall be the same thresholds set forth in the Virginia Public Procurement Act (§ 2.2- 4300 et seq). Where small purchase thresholds in the Rules Governing Procurement for such institutions exceed those in 2.2-4300 et seq, the Rules Governing Procurement shall be the authorized procurement threshold.

§ 4-9.03 LEVEL III AUTHORITY

a. The Management Agreements negotiated by the institutions contained in Chapters 675 and 685 of the 2009 Acts of Assembly shall continue in effect unless the Governor, the General Assembly, or the institutions determine that the Management Agreements need to be renegotiated or revised.

b. Notwithstanding the small purchase thresholds set forth in the Rules Governing Procurement the small purchases thresholds for Level III institutions shall be the small purchase thresholds set forth in the Virginia Public Procurement Act (§ 2.2-4300 et seq). Where small purchase thresholds under Rules Governing Procurement for Level III institutions exceed those in 2.2-4300 et seq, the Rules Governing Procurement shall be the authorized procurement threshold.

c. Pursuant to § 23.1-1005, Code of Virginia, the Governor recommends approval for George Mason University to operate as a Level III institution under the management agreement as approved by its board of visitors on October 1, 2020.

§ 4-9.04 IMPLEMENT JLARC RECOMMENDATIONS

a. The Boards of Visitors at each Virginia public four-year higher education institution, to the extent practicable, shall:

1. require their institutions to clearly list the amount of the athletic fee on their website's tuition and fees information page. The page should include a link to the State Council of Higher Education for Virginia's tuition and fee information. The boards should consider requiring institutions to list the major components of all mandatory fees, including the portion attributable to athletics, on a separate page attached to student invoices;

2. assess the feasibility and impact of raising additional revenue through campus recreation and fitness enterprises to reduce reliance on mandatory student fees. The assessments should address the feasibility and impact of raising additional revenue through charging for specialized programs and services, expanding membership, and/or charging all users of recreation facilities;

3. direct staff to perform a comprehensive review of the institution's organizational structure, including an analysis of spans of control and a review of staff activities and workload, and identify opportunities to streamline the organizational structure. Boards should further direct staff to implement the recommendations of the review to streamline their organizational structures where possible;

4. require periodic reports on average and median spans of control and the number of supervisors with six or fewer direct reports;

5. direct staff to revise human resource policies to eliminate unnecessary supervisory positions by developing standards that establish and promote broader spans of control. The new policies and standards should (i) set an overall target span of control for the institution, (ii) set a minimum number of direct reports per supervisor, with guidelines for exceptions, (iii) define the circumstances that necessitate the use of a supervisory position, (iv) prohibit the establishment of supervisory positions for the purpose of recruiting or retaining employees, and (v) establish a periodic review of departments where spans of control are unusually narrow; and,

6. direct institution staff to set and enforce policies to maximize standardization of purchases of commonly procured goods, including use of institution-wide contracts;

7. consider directing institution staff to provide an annual report on all institutional purchases, including small purchases, that are exceptions to the institutional policies for standardizing purchases;

8. participate in national faculty teaching load assessments by discipline and faculty type.

b. The State Council on Higher Education for Virginia, to the extent practicable, shall:

1. convene a working group of institution financial officers, with input from the Department of Accounts, the Department of Planning and Budget, and the Auditor of Public Accounts, to create a standard way of calculating and publishing mandatory non-E&G fees, including for intercollegiate athletics;

2. update the state's Chart of Accounts for higher education in order to improve comparability and transparency of mandatory non-E&G fees, with input from the Department of Accounts, the Department of Planning and Budget, the Auditor of Public Accounts, and institutional staff. This process should be coordinated with the standardization of tuition and fee reporting;

3. convene a working group of institutional staff to develop instructional and research space guidelines that adequately measure current use of space and plans for future use of space at Virginia's public higher education institutions;

4. coordinate a committee of institutional representatives, such as the previously authorized Learning Technology Advisory Committee. In addition to the objectives set out in the Appropriation Act for the Learning Technology Advisory Committee, the committee should identify instructional technology initiatives and best practices for directly or indirectly lowering institutions' instructional expenditures per student while maintaining or enhancing student learning;

5. include factors such as discipline, faculty rank, cost of living, and regional comparisons in developing faculty salary goals;

6. identify instructional technology best practices that directly or indirectly lower student cost while maintaining or enhancing learning.

c. Notwithstanding the provisions of § 23.1-1304, the State Council of Higher Education for Virginia shall annually train boards of visitors members on the types of information members should request from institutions to inform decision making, such as performance measures, benchmarking data, the impact of financial decisions on student costs, and past and projected cost trends.

Boards of Visitors members serving on finance and facilities subcommittees should, at a minimum, participate in the training within their first year of membership on the subcommittee. SCHEV should obtain assistance in developing or delivering the training from relevant agencies such as the Department of General Services and past or present finance officers at Virginia's public four-year institutions, as appropriate.

d. The Department of Planning and Budget shall revise the formula used to make allocation recommendations for the state's maintenance reserve funding to account for higher maintenance needs resulting from poor facility condition, aging of facilities, and differences in facility use.

e. The Six-Year Capital Outlay Plan Advisory Committee, the Department of Planning and Budget, and others as appropriate shall use the results of the prioritization process established by the State Council of Higher Education for Virginia in determining which capital projects should receive funding.

f. Beginning with fiscal year 2016, the Auditor of Public Accounts shall include in its audit plan for each public institution of higher education a review of progress in implementing the JLARC recommendations contained in paragraph § 4-9.04 a.

§ 4-11.00 STATEMENT OF FINANCIAL CONDITION

Each agency head handling any state funds shall, at least once each year, upon request of the Auditor of Public Accounts, make a detailed statement, under oath, of the financial condition of his office as of the date of such call, to the Auditor of Public Accounts, and upon such forms as shall be prescribed by the Auditor of Public Accounts.

§ 4-12.00 SEVERABILITY

If any part, section, subsection, paragraph, sentence, clause, phrase, or item of this act or the application thereof to any person or circumstance is for any reason declared unconstitutional, such decisions shall not affect the validity of the remaining portions of this act which shall remain in force as if such act had been passed with the unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, item or such application thereof eliminated; and the General Assembly hereby declares that it would have passed this act if such unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, or item had not been included herein, or if such application had not been made.

§ 4-13.00 CONFLICT WITH OTHER LAWS

Notwithstanding any other provision of law, and until June 30, 2022, the provisions of this act shall prevail over any conflicting provision of any other law, without regard to whether such other law is enacted before or after this act; however, a conflicting provision of another law enacted after this act shall prevail over a conflicting provision of this act if the General Assembly has clearly evidenced its intent that the conflicting provision of such other law shall prevail, which intent shall be evident only if such other law (i) identifies the specific provision(s) of this act over which the conflicting provision of such other law is intended to prevail and (ii) specifically states that the terms of this section are not applicable with respect to the conflict between the provision(s) of this act and the provision of such other law.

§ 4-14.00 EFFECTIVE DATE

This act is effective on its passage as provided in § 1-214, Code of Virginia.

ADDITIONAL ENACTMENTS

3. That the authority and responsibilities of the Secretary of Technology included in the Code of Virginia shall be executed by the Secretary of Administration and the Secretary of Commerce and Trade pursuant to Item 66 and Item 111 of this act. Any authority or responsibilities of the Secretary of Technology not referenced in Item 66 and Item 111 of this act shall be executed by either the Secretary of Administration or the Secretary of Commerce and Trade as determined by the Governor.

4. That any authority or responsibilities of the Innovation and Entrepreneurship Investment Authority and the Center for Innovative Technology not referenced in Item 135 of this Act shall be executed by the Virginia Innovation Partnership Authority and the non-profit entity established in legislation to be considered by the 2020 General Assembly.

5. That § 16.1-69.48:2 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-69.48:2. Fees for services of district court judges and clerks and magistrates in civil cases.

Fees in civil cases for services performed by the judges or clerks of general district courts or magistrates in the event any such services are performed by magistrates in civil cases shall be as provided in this section, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided.

For all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, the fee shall be \$36. No such fee shall be collected (i) in any tax case instituted by any county, city or town or (ii) in any case instituted by a school board for collection of overdue book rental

1 fees. Of the fees collected under this section, \$10 of each such fee collected shall be apportioned to the Courts Technology Fund
2 established under § 17.1-132.

3 The judge or clerk shall collect the foregoing fee at the time of issuing process. Any magistrate or other issuing officer shall collect the
4 foregoing fee at the time of issuing process, and shall remit the entire fee promptly to the court to which such process is returnable, or
5 to its clerk. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment,
6 such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which
7 service by the court or clerk there shall be no charge; however, reissuance of such process shall be within three months after the
8 original return day.

9 The clerk of any district court may charge a fee for making a copy of any paper of record to go out of his office which is not otherwise
10 specifically provided for. The amount of this fee shall be set in the discretion of the clerk but shall not exceed \$1 for the first two pages
11 and \$.50 for each page thereafter.

12 The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and
13 when the services referred to herein are performed by magistrates such fees shall be the only fees charged by such magistrates for the
14 prescribed services.

15 **6. a. In anticipation of the collection of taxes and revenues of the Commonwealth, for fiscal years 2021 and 2022, the Treasury**
16 **Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (a)(2) of**
17 **the Constitution of Virginia, as the case may be, at one time or from time to time, tax and revenue anticipation notes ("9(a)(2)**
18 **Notes") of the Commonwealth, including 9(a)(2) Notes issued as commercial paper. The proceeds of such 9(a)(2) Notes,**
19 **excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the**
20 **purpose of providing funds, together with any other available funds, to help manage the cash flow impact of actual or potential**
21 **reductions of tax and other revenues or increases in expenses related to or resulting from the COVID-19 pandemic, and**
22 **including the payment of operating expenses incurred or to be incurred in anticipation of the collection of taxes and revenues**
23 **by the Commonwealth.**

24 **b. In addition, in anticipation of the collection of taxes and revenues of the Commonwealth, and its counties, cities and towns,**
25 **for fiscal years 2021 and 2022, the Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and**
26 **issue, pursuant to Article X, Section 9 (d) of the Constitution of Virginia, as the case may be, at one time or from time to time,**
27 **tax and revenue anticipation notes of the Commonwealth ("9(d) Notes" and together with the 9(a)(2) Notes authorized in the**
28 **foregoing paragraph, "Notes"), including 9(d) Notes issued as commercial paper. The proceeds of such 9(d) Notes, excluding**
29 **amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of**
30 **providing funds, together with any other available funds, to help manage the cash flow impact of actual or potential reductions**
31 **of tax and other revenues or increases in expenses related to or resulting from the COVID-19 pandemic, and including the**
32 **payment of operating expenses incurred or to be incurred in anticipation of the collection of taxes and revenues by the**
33 **Commonwealth and its counties, cities and towns, and to purchase or acquire similar notes issued by, or otherwise to assist,**
34 **cities, counties and towns of the Commonwealth for such purpose. The Governor is authorized to select the counties, cities and**
35 **towns to participate in the undertakings authorized hereunder and direct the distribution of 9(d) Note proceeds to the**
36 **particular counties, cities and town, and shall, after consultation with all interested parties, develop a guidance document**
37 **governing eligibility and priority criteria.**

38 **c. The Treasury Board is authorized to issue Notes hereunder in an aggregate principal amount not exceeding \$500,000,000 for**
39 **the benefit of the Commonwealth and in an aggregate principal amount not exceeding \$250,000,000 for the benefit of counties,**
40 **cities and towns, plus in either case amounts needed to fund issuance costs, reserve funds, capitalized interest, and other**
41 **financing expenses.**

42 **d. 9(a)(2) Notes shall mature at such time or times within twelve months from their date or dates, and 9(d) Notes shall mature**
43 **at such time or times not exceeding two years from their date or dates.**

44 **e. The full faith and credit of the Commonwealth shall be pledged to any 9(a)(2) Notes issued under the provisions of this Item.**
45 **9(d) Notes issued under the provisions of this item shall not be deemed to constitute a debt of the Commonwealth of Virginia or**
46 **a pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation**
47 **by the General Assembly, from amounts appropriated from time to time by the General Assembly and from amounts paid by**
48 **counties, cities and towns that issue bonds, notes or obligations with respect to this Item. There is hereby appropriated a sum**
49 **sufficient to the Treasury Board for the purpose of paying the debt service on the Notes.**

50 **f. The Virginia Resources Authority is authorized to purchase and acquire through proceeds of 9(d) Notes bonds, notes or**
51 **obligations of counties, cities and towns of the Commonwealth issued for the purposes authorized hereunder and establish the**
52 **interest rates and repayment terms of such bonds, notes or obligations in accordance with a memorandum of agreement with**
53 **the Treasury Board and the Authority shall recover its reasonable costs and expenses for doing so from the proceeds of such**
54 **Notes and for its role in the administration and management of such proceeds.**

55 **g. Each county, city, and town is hereby authorized to issue bonds, notes or obligations for the purposes set forth in paragraph**
56 **(b) above. The authority of any county, city, and town to contract and to issue bonds, notes or obligations pursuant to such**

authorization is in addition to any existing authority to contract and issue bonds, notes or obligations, anything in the laws of the Commonwealth, including any local charter, to the contrary notwithstanding. The provisions of Virginia Code § 15.2-2659 and § 62.1-216.1 shall apply, mutatis mutandis, with respect to any bond, note or obligation issued by a county, city or town hereunder.

h. The proceeds, including any premium, of the Notes shall be deposited in a special account in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer from time to time for paying all or any part of the expenses or undertakings as set forth in paragraphs (a) and (b) above. The Notes shall be dated and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor, and shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on Notes shall be payable in lawful money of the United States of America. Notes may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the Notes. Notes issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the Notes. The Treasury Board shall fix the authorized denomination or denominations of the Notes and the place or places of payment of certificated Notes, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. The Treasury Board may sell Notes in such manner, by competitive bidding, negotiated sale, or private placement with private lenders or governmental agencies, and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth. In the discretion of the Treasury Board, Notes may be issued at one time or from time to time. Certificated Notes shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the Notes bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any Notes ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any Note may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such Note, although at the date of such Note, such persons may not have been such officers.

i. The Treasury Board is authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the Notes and other funds or reserves desirable or required by any purchaser. Pending the application of the proceeds of the Notes to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of Notes, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of Notes, such interest shall become a part of the principal of the Notes and shall be used in the same manner as required for principal of the Notes.

7.a. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17, Code of Virginia, in response to a communicable disease of public health threat as defined in § 44-146.16, Code of Virginia, electric companies subject to regulation of the State Corporation Commission ("Commission"), natural gas suppliers subject to the regulation of the Commission, electric and gas municipal utilities, and water suppliers and wastewater service providers, subject to the regulation of Commission or constituting a municipal utility ("utilities") are prohibited from disconnecting service to residential customers for non-payment of bills or fees until the Governor determines that the economic and public health conditions have improved such that the prohibition does not need to be in place, or until at least 60 days after such declared state of emergency ends, whichever is sooner. "Municipal utility" means a utility providing electric, gas, or water or wastewater service that is owned or operated by a city, county, town, authority, or other political subdivision of the Commonwealth. The utilities shall notify all customers who are at least 30 days in arrears of this utility disconnection moratorium, which may be by bill insert or bill notice.

b. No more than 60 days after the enactment of this act, the utilities shall notify all customers who are at least 30 days in arrears of the COVID-19 Relief Repayment Plan (Repayment Plan), which may be by bill insert or bill notice, such notice shall include eligibility, billing information, applicable financial assistance resources, and contact information where customers may file an initial complaint on Repayment Plan related disputes. All utilities within 60 days after the enactment of this act must offer customers a Repayment Plan for past due accounts while the universal prohibition on service disconnections is in effect that includes, at minimum, the following provisions:

1. The Repayment Plan shall not require any new deposits, down payments, fees, late fees, interest charges, or penalties, nor shall such plan accrue any fees, interest, or penalties, including prepayment penalties;

2. The Repayment Plan shall amortize the repayment of a customer's utility debt over a minimum period of 6 months and up to 24 months for each utility. The utility will work with the customer to establish a Repayment Plan that meets the requirements of this clause 7.b. and that the customer determines is sustainable and affordable for them. A customer may

1 satisfy the Repayment Plan in part or in full at any time; and

2 3. The utilities shall not apply eligibility criteria, such as installment plan history. However, the utilities may require the
3 customer to attest to the utility or to a third party chosen by the utility that the customer has experienced a financial hardship
4 resulting directly or indirectly from the public health emergency or that they have experienced a hardship to pay during the
5 public health emergency.

6 4. If a utility reports to a consumer reporting agency or debt collector regarding a consumer who is on a Repayment Plan, the
7 utility shall report the account as "current" in accordance with the Public Law 116-136: Coronavirus Aid, Relief, and
8 Economic Security Act. If the provisions of Public Law 116-136: Coronavirus Aid, Relief, and Economic Security Act expire
9 prior to the end of the universal moratorium established in clause 7.a., the utility may only resume reporting any default on the
10 Repayment Plan at the end of the universal moratorium established in clause 7.a.

11 5. However, no utility that has received an order exempting it from the provisions of this clause 7.a. shall disconnect from
12 service a customer who is making timely payments under the Repayment Plan at the time of the order and until such time as a
13 customer ceases to make timely payments under the Repayment Plan. A utility that has received an order exempting it from the
14 provisions of this clause 7.a. shall attempt to establish a Repayment Plan with its customers prior to any disconnection of
15 service.

16 c. Nothing herein shall limit or prevent the utilities or the residential customers from applying or seeking debt relief or
17 mitigation from any available resource, from entering into another payment plan offered by the utility, or from renegotiating
18 the terms of the Repayment Plan.

19 d. In accordance with the provisions of Item 479.10, paragraph B.5. of this act, utilities shall use any funding allocated from the
20 federal Coronavirus Relief Funds of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) to
21 provide direct subsidy payments on behalf of customers whose accounts are over 30 days in arrears, provided such use meets
22 eligibility requirements pursuant to United States Department of the Treasury guidance. In applying these funds to customer
23 accounts, utilities shall prioritize providing financial assistance to customers who are over 60 days in arrears prior to using the
24 funds to assist customers with accounts 31 to 60 days in arrears. To the extent possible, utilities shall use available funding to
25 cover one-hundred percent of the customer's arrearage.

26 In addition to the funds provided in Item 479.10, paragraph B.2. of this act, where applicable, utilities must accept financial
27 assistance from other utility assistance programs funded with federal Coronavirus Relief Funds from the Coronavirus Aid,
28 Relief, and Economic Security (CARES) Act (P.L. 116-136) for customers who are at least 30 days in arrears. To the extent
29 possible, utilities must direct customers in writing to these resources when establishing a Repayment Plan.

30 e. Notwithstanding anything to the contrary in this clause 7 or any other provision of law, if a utility subject to regulation of the
31 Commission has accounts receivable arrearages for Virginia customers that exceed 2% of an investor-owned electric utility's,
32 or 1% of any other utility's, annual Virginia jurisdictional operating revenues, then the utility may obtain relief from the
33 moratorium established in clause 7.a. by filing an informational letter notice with the clerk of the Commission, stating such
34 facts to demonstrate the exceedance and contemporaneously tendering associated workpapers to the staff of the Commission.
35 The Commission staff shall verify the information as filed by the utility and shall file a verification letter with the Clerk of the
36 Commission. The Commission, upon receipt of a favorable verification letter, shall issue a final order within five days. Upon
37 issuance of an order, a utility shall thereafter be exempt from the moratorium provisions of this clause 7.a.

38 f. Notwithstanding anything to the contrary in this clause 7 or any other provision of law, if a utility subject to this clause 7 but
39 not subject to regulation of the Commission has accounts receivable arrearages that exceed 1% of the utility's annual operating
40 revenues, then the utility may obtain relief from the moratorium established in clause 7.a. if (i) the utility provides a written
41 analysis stating such facts to demonstrate the exceedance to staff of the governing body, (ii) the utility contemporaneously
42 makes available for public inspection associated workpapers verifying such facts to staff of the governing body, and (iii) the
43 governing body verifies the exceedance, provides public notice, takes public comment on, and votes to approve that the
44 exceedance is accurate in an open public meeting. In the event of an affirmative vote of the utility's governing body, the utility
45 shall thereafter be exempt from the moratorium provisions of this clause 7.a.

46 g. The Commission shall allow for the timely recovery of bad debt obligations, reasonable late payment fees suspended, and
47 prudently incurred implementation costs resulting from a Repayment Plan for electric, gas, water, or wastewater utilities,
48 including through a rate adjustment clause or through base rates, however, the Commission shall exclude from recovery all
49 costs associated with any jurisdictional customer balances forgiven by a Phase II utility pursuant to paragraph j. below. The
50 Commission may apply any applicable earnings test in the Commission rules governing utility rate applications and annual
51 informational filings when assessing the recovery of such costs. The Commission shall also require the utilities subject to
52 regulation by the Commission to submit information on the status of customer accounts, including (a) the number and value of
53 outstanding aged account balances, categorized by customer type; (b) the number and value of associated collections from
54 customers, categorized by customer type; (c) the number and value of associated additions to aged accounts receivable
55 balances, categorized by customer type; (d) the number and value of aged accounts receivable balances, net of collections and
56 additions; (e) the number, total value, and average debt of accounts that are participating in the Repayment Plan, or another
57 repayment plan as set forth by the utility; (f) the number of accounts removed from the Repayment Plan, or another repayment

plan as set forth by the utility, categorized by reason; (g) the amount of and average debt still remaining for customer accounts removed from the Repayment Plan or another repayment plan as set forth by the utility; (h) the carrying costs of the debt for accounts participating in a repayment plan and any associated administrative costs incurred; (i) the number, total value, and average debt of customer accounts receiving direct assistance by the funds provided in Item 479.10, paragraph B.2. of this act, categorized by days in arrears and customer account type; (j) the cumulative level of customer arrearages by locality; and (k) any cost recorded as regular asset authorized by that certain order of the Commission in Case Number PUR-2020-00074. The Commission shall provide the Chairs of the House Committees on Labor and Commerce and Appropriations, the Senate Committees on Commerce and Labor and Finance and Appropriations, and the Secretary of Commerce and Trade an aggregated anonymized report by utility containing such compiled information by December 31, 2020, within 90 days of the expiration of the universal prohibition established in clause 7.a., and annually, on or before December 31st, thereafter for the following two years. The report due on December 31, 2020 shall cover the period from March 16, 2020 through December 15, 2020. The report due within 90 days of the end of the universal prohibition established in clause 7.a. shall cover the period from December 16, 2020 to the end of the universal prohibition established in clause 7.a. Annual reports shall cover the period from the end of the universal prohibition established in clause 7.a. to December 16th of the year the report is due.

h. Utilities not subject to regulation by the Commission shall submit information on the status of customer accounts to the Commission on Local Government managed by the Department of Housing and Community Development, including (a) the number and value of accounts that are at least 30 days in arrears; (b) the number and value of accounts that are at least 60 days in arrears; (c) the number, total value, and average debt of accounts that are participating in the Repayment Plan, or another repayment plan as set forth by the utility; (d) the number of accounts removed from the Repayment Plan, or another repayment plan as set forth by the utility, categorized by reason; (e) the amount of and average debt still remaining for accounts removed from the Repayment Plan or another repayment plan as set forth by the utility; (f) the carrying costs of the debt for accounts participating in a repayment plan and any associated administrative costs incurred; (g) the number, total value, and average debt of accounts offset by the funds provided in Item 479.10, paragraph B.2. of this act and local programs using Coronavirus Relief Funds, categorized by days in arrears, customer account type, and Coronavirus Relief Fund type; and, (h) the cumulative level of customer arrearages by locality. The Commission on Local Government shall provide the Chairs of the House Committees on Labor and Commerce and Appropriations, the Senate Committees on Commerce and Labor and Finance and Appropriations, and the Secretary of Commerce and Trade an aggregated anonymized report by utility containing such compiled information by December 31, 2020, within 90 days of the expiration of the universal prohibition established in clause 7.a., and annually, on or before December 31st, thereafter for the following two years. The report due on December 31, 2020 shall cover the period from March 16, 2020 through December 15, 2020. The report due within 90 days of the end of the universal prohibition established in clause 7.a. shall cover the period from December 16, 2020 to the end of the universal prohibition established in clause 7.a. Annual reports shall cover the period from the end of the universal prohibition established in clause 7.a. to December 16th of the year the report is due.

i. The reports required in paragraphs g. and h. of this clause 7 are not eligible for deferral or delay as permitted under Item 4-8.01, a.4.a. of this act.

j. Within 60 days after the enactment of this act, a Phase II Utility shall forgive all such utility's jurisdictional customer balances more than 30 days in arrears as of September 30, 2020.

1. In the utility's 2021 triennial review, any forgiven amounts shall be excluded from the utility's cost of service for purposes of determining any test period earnings and determining any future rates of the utility. In determining any customer bill credits, in the utility's 2021 triennial review, the Commission shall first offset any forgiven amounts against the total earnings for the 2017 through 2020 test periods that are determined to be above the utility's authorized earnings band. Such offset shall be made prior to any offset to customer bill credits by customer credit reinvestment offsets.

2. Each Phase II Utility shall, no later than December 31, 2020, submit a report to the Governor, the Chairs of the House Committees on Labor and Commerce and Appropriations, and the Senate Committees on Commerce and Labor and Finance and Appropriations, and the Chair of the Commission on Electric Utility Regulation, detailing all actions by it pursuant to this act to forgive customer balances.

k. In addition to the relief provided pursuant to clause 7.j., within 60 days after the enactment of this act, a Phase II Utility shall forgive all such utility's jurisdictional customer balances more than 30 days in arrears as of December 31, 2020.

1. In the utility's 2021 triennial review, the provisions of clause 7.k. shall be excluded from the utility's cost of service for purposes of determining any test period earnings and determining any future rates of the utility. In determining any customer bill credits, in the utility's 2021 triennial review, the Commission shall first offset any amounts pursuant to clause 7.k. against the total earnings for the 2017 through 2020 test periods that are determined to be above the utility's authorized earnings band. Such offset shall be made prior to any offset to customer bill credits by customer credit reinvestment offsets.

2. Each Phase II Utility shall, no later than November 1, 2021, submit a report to the Governor, the Chairs of the House

1 Committees on Labor and Commerce and Appropriations, and the Senate Committees on Commerce and Labor and Finance
2 and Appropriations, and the Chair of the Commission on Electric Utility Regulation, detailing all actions by it pursuant to this
3 act to forgive customer balances.

4 8.a. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to §
5 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of the
6 Code of Virginia, no landlord shall terminate a residential tenancy, or take any action to obtain possession of a dwelling unit,
7 for non-payment of rent through December 31, 2020, unless such eligible tenant refuses to apply for Virginia Rent Relief
8 Program (formerly Virginia Rent and Mortgage Relief Program) assistance and refuses to cooperate with the landlord in
9 applying for rental assistance through the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief
10 Program). Such landlords and tenants must also comply with the following:

11 1. For an owner who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental
12 dwelling units, whether individually or through a business entity, in the Commonwealth, if rent is unpaid when due, the
13 landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the total amount due and
14 owed. The written notice shall also inform the tenant that if the tenant provides to the landlord a signed statement certifying
15 that the tenant has experienced additional expenses or a loss of income due to the declared state of emergency, the tenant may,
16 but is not required to, enter into a payment plan under which the tenant shall be required to pay the total amount due and
17 owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement.
18 The total amount due and owed under a payment plan shall not include any late fees, and no late fees shall be assessed during
19 any time period in which a tenant is making timely payments under a payment plan. If the tenant fails to pay in full, enter into
20 a written payment plan with the landlord, or pay any installment required by the plan, the landlord may not terminate the
21 tenancy nor take any action to obtain possession of the dwelling unit until the provisions of subsection 8.b. are effectuated on
22 January 1, 2021. However, during the time the provisions of this subsection 8.a. are in effect, the landlord may proceed to
23 obtain possession of the premises as provided in § 55.1-1251 in the event that the tenant refuses to apply for Virginia Rent
24 Relief Program (formerly Virginia Rent and Mortgage Relief Program) assistance and refuses to cooperate with the landlord in
25 applying for rental assistance through the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief
26 Program), as described in subsection 8.a.2. below. Nothing in this subsection shall preclude a tenant from availing himself of
27 any other rights or remedies available to him under the law, nor shall the tenant's eligibility to participate or participation in
28 any rent relief program offered by a nonprofit organization or under the provisions of any federal, state, or local law,
29 regulation, or action prohibit the tenant from taking advantage of the provisions of this subsection.

30 2. If rent is unpaid when due, or if a payment under the terms of a payment plan is unpaid when due, the landlord shall serve
31 upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the Virginia Rent Relief Program (formerly
32 Virginia Rent and Mortgage Relief Program) and information on how to reach 2-1-1 Virginia to determine any additional
33 federal, state, and local rent relief programs. The written notice shall also inform the tenant that the owner, landlord, or
34 owner's licensed agent will apply for rental assistance with the Virginia Rent Relief Program (formerly Virginia Rent and
35 Mortgage Relief Program) on behalf of the tenant, or the landlord will cooperate with the tenant's application for rental
36 assistance with the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program), or with another
37 federal, state, or local rent relief program, by providing required documentation for such application, including the W-9 IRS
38 form and any supporting affidavit. If the tenant refuses to apply for Virginia Rent Relief Program (formerly Virginia Rent and
39 Mortgage Relief Program) assistance and refuses to cooperate with the landlord in applying for rental assistance through the
40 Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program), the landlord may proceed to obtain
41 possession of the premises as provided in § 55.1-1251 for non-payment of rent, during such time the provisions of 8.a. are in
42 effect. Before January 1, 2021, a landlord may not terminate a tenancy nor take action to obtain possession of a dwelling unit
43 based solely on failure to receive written approval from the Virginia Rent Relief Program (formerly Virginia Rent and
44 Mortgage Relief Program) or any other federal, state, or local rent relief program. After the provisions of subsection 8.b. are
45 effectuated on January 1, 2021, the landlord may terminate the tenancy or take action to obtain possession of the dwelling unit
46 based on failure to receive written approval from the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage
47 Relief Program) or any other federal, state, or local rent relief program, but only in compliance with the applicable provisions
48 of subsection 8.b.3. For any application by the owner, landlord, owner's licensed agent, or the tenant to the Virginia Rent Relief
49 Program (formerly Virginia Rent and Mortgage Relief Program) or any other federal, state, or local rent relief program, the
50 administrator of the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program) or the
51 administrator of any other federal, state, or local rent relief program shall work diligently to process such application within
52 fourteen days of submission of such application.

53 b. Beginning January 1, 2021, notwithstanding any other provision of law, upon the declaration by the Governor of a state of
54 emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as
55 defined in § 44-146.16 of the Code of Virginia, no landlord shall terminate a residential tenancy, or take any action to obtain
56 possession of a dwelling unit, for non-payment of rent due to lost income or additional expenses resulting from the declared
57 state of emergency until such time the declared state of emergency ends, except as follows:

58 1. For an owner who owns four or fewer rental dwelling units in the Commonwealth, if rent is unpaid when due and the tenant
59 fails to pay rent within fourteen days after written notice is served on him, pursuant to § 55.1-1202, notifying the tenant of his
60 nonpayment and of the landlord's intention to obtain possession of the premises if the rent is not paid within the fourteen-day

period, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251, provided that the landlord also complies with subsection 3. below.

2. For an owner who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth, if rent is unpaid when due, the landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the total amount due and owed. The written notice shall also inform the tenant that if the tenant provides to the landlord a signed statement certifying that the tenant has experienced additional expenses or a loss of income due to the declared state of emergency, the tenant may, but is not required to, enter into a payment plan under which the tenant shall be required to pay the total amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement. The total amount due and owed under a payment plan shall not include any late fees, and no late fees shall be assessed during any time period in which a tenant is making timely payments under a payment plan. The written notice shall also inform the tenant that if the tenant fails to either pay the total amount due and owed or enter into the payment plan offered, or an alternative payment arrangement acceptable to the landlord, within fourteen days of receiving the written notice from the landlord, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251. If the tenant fails to pay in full or enter into a written payment plan with the landlord within fourteen days of when the notice is served on him, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251, provided that the landlord also complies with subsection 3. below. If the tenant enters into a payment plan and, after the plan becomes effective, fails to pay any installment required by the plan within fourteen days of its due date, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251, provided that he has sent the tenant a new notice, pursuant to § 55.1-1202, advising the tenant of the landlord's intention to obtain possession of the premises unless the tenant pays the total amount due and owed as stated on the notice within fourteen days of receipt and provided that the landlord complies with subsection 3. below. The option of entering into a payment plan or alternative payment arrangement pursuant to this subdivision may only be utilized once during the time period of the rental agreement. Nothing in this subsection shall preclude a tenant from availing himself of any other rights or remedies available to him under the law, nor shall the tenant's eligibility to participate or participation in any rent relief program offered by a nonprofit organization or under the provisions of any federal, state, or local law, regulation, or action prohibit the tenant from taking advantage of the provisions of this subsection.

3. If rent is unpaid when due, or if a payment under the terms of a payment plan is unpaid when due, the landlord shall, pursuant to § 55.1-1202, Code of Virginia, serve a written notice on the tenant that informs the tenant of the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program) and provides the website address and statewide telephone number for that program. The written notice shall also provide information on how to reach 2-1-1 Virginia to determine whether there are any other available federal, state and local rent relief programs. The written notice shall also inform the tenant that the owner, landlord, or owner's licensed agent shall apply for rental assistance on the tenant's behalf within 14 days of serving the notice on the tenant, unless the tenant pays in full, enters into a payment plan or informs the landlord that they have already applied for rental assistance. The landlord shall apply for rental assistance on behalf of the tenant no later than 14 days after serving the written notice on the tenant, unless they receive the full amount owed by the tenant or confirmation from the tenant that the tenant has applied for rental assistance before the 14th day, or they have entered into a payment plan with the tenant. If the tenant has applied for rental assistance, the landlord shall cooperate with the tenant's application, by providing all information and documentation required to complete the application, including but not limited to the W-9 IRS form and any supporting affidavits. In an initial application, if the landlord or the tenant does not receive written approval from the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program) or any other federal, state, or local rent relief program within forty-five days of when the application for assistance is made by the tenant or the landlord, the landlord may proceed to obtain possession of the premise as provided in § 55.1-1251. For any subsequent application, if the landlord or tenant does not receive written approval from the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program) or any other federal, state, or local rent relief program within fourteen days of submission of the subsequent application, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251. If a tenant who has not paid in full or entered into a payment plan with the landlord within 14 days after the written notice is served refuses to apply for rental assistance and also refuses to cooperate with the landlord in providing information and documentation required to complete the application made by the landlord, or if such tenant is determined ineligible for rental assistance, or there are no longer funds available through any federal, state or local rental assistance program, the landlord may take action to obtain possession of the tenant's dwelling unit as provided in § 55.1-1251, Code of Virginia.

c. If a landlord reports to a consumer reporting agency or debt collector regarding a tenant who is participating in the repayment plan or receiving assistance from a federal, state, or local rent relief program, the landlord shall report the account as "current" in accordance with the Public Law 116-136: Coronavirus Aid, Relief, and Economic Security Act.

d. If a tenant is complying with a written payment plan with the landlord or has resolved any non-payment of rent, the landlord cannot take any action to obtain possession of a dwelling unit for non-payment of rent.

e. Nothing in this section relieves either the landlord or the tenant from their obligations to maintain the dwelling as those obligations are set forth in Article 2 and Article 3 of Chapter 12 of Title 55.1.

1 f. Nothing in this section shall void any judgment for possession validly obtained by a landlord prior to November 18, 2020;
 2 however, a landlord shall not initiate, maintain, or advance any legal process to obtain possession of a dwelling unit for non-
 3 payment of the rent unless the landlord complies with the provisions of this Section 8.

4 9. That §§ 8.01-3, 24.2-306, 24.2-309.2, 30-263, 30-264, and 30-265 of the Code of Virginia are amended and reenacted and that
 5 the Code of Virginia is amended by adding in Title 30 a chapter numbered 62 consisting of sections numbered 30-391 through
 6 30-400 as follows:

7 § 8.01-3. Supreme Court may prescribe rules; effective date and availability; indexed, and annotated; effect of subsequent
 8 enactments of General Assembly.

9 A. The Supreme Court, subject to §§ 17.1-503 and 16.1-69.32, may, from time to time, prescribe the forms of writs and make general
 10 regulations for the practice in all courts of the Commonwealth; and may prepare a system of rules of practice and a system of pleading
 11 and the forms of process and may prepare rules of evidence to be used in all such courts. This section shall be liberally construed so as
 12 to eliminate unnecessary delays and expenses.

13 B. The Supreme Court, subject to § 30-399, shall enact rules and procedures as may be necessary for implementing the requirements of
 14 Article II, Section 6-A of the Constitution of Virginia, empowering the Supreme Court to establish congressional or state legislative
 15 districts as provided for in that section.

16 C. New rules and amendments to rules shall not become effective until 60 days from adoption by the Supreme Court, and shall be made
 17 available to all courts, members of the bar, and the public.

18 D. The Virginia Code Commission shall publish and cause to be properly indexed and annotated the rules adopted by the Supreme
 19 Court, and all amendments thereof by the Court, and all changes made therein pursuant to subsection E.

20 E. The General Assembly may, from time to time, by the enactment of a general law, modify or annul any rules adopted or amended
 21 pursuant to this section. In the case of any variance between a rule and an enactment of the General Assembly such variance shall be
 22 construed so as to give effect to such enactment.

23 F. Any amendment or addition to the rules of evidence shall be adopted by the Supreme Court on or before November 15 of any year
 24 and shall become effective on July 1 of the following year unless the General Assembly modifies or annuls any such amendment or
 25 addition by enactment of a general law. Notwithstanding the foregoing, the Supreme Court, at any time, may amend the rules to
 26 conform with any enactment of the General Assembly and correct unmistakable printer's errors, misspellings, unmistakable errors to
 27 statutory cross-references, and other unmistakable errors in the rules of evidence.

28 G. When any rule contained in the rules of evidence is derived from one or more sections of the Code of Virginia, the Supreme Court
 29 shall include a citation to such section or sections in the title of the rule.

30 § 24.2-306. Changes not to be enacted within 60 days of general election; notice requirements.

31 A. No change in any local election district, precinct, or polling place shall be enacted within 60 days next preceding any general
 32 election. Notice shall be published prior to enactment in a newspaper having general circulation in the election district or precinct once
 33 a week for two successive weeks. The published notice shall state where descriptions and maps of proposed boundary and polling place
 34 changes may be inspected.

35 B. Notice of any adopted change in any election district, town, precinct, or polling place other than in the location of the office of the
 36 general registrar shall be mailed to all registered voters whose election district, town, precinct, or polling place is changed at least 15
 37 days prior to the next general, special, or primary election in which the voters will be voting in the changed election district, town,
 38 precinct, or polling place. Notice of a change in the location of the office of the general registrar shall be given by posting on the
 39 official website of the county or city, by posting at not less than 10 public places, or by publication once in a newspaper of general
 40 circulation in the county or city within not more than 21 days in advance of the change or within seven days following the change.

41 C. Each county, city, and town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-395, and send
 42 copies of enacted changes, including a Geographic Information System (GIS) map showing the new boundaries of the districts or
 43 precincts, to the local electoral board, the Department, and the Division of Legislative Services. Any county, city, or town that does not
 44 have GIS capabilities may request the Department of Elections to create on its behalf a GIS map showing the boundaries of the new
 45 districts or precincts, and the Department of Elections shall create such a map.

46 § 24.2-309.2. Election precincts; prohibiting precinct changes for specified period of time.

47 No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise change the boundaries of any precinct,
 48 effective during the period from February 1, 2019, to May 15, 2021, except as (i) provided by law upon a change in the boundaries of
 49 the county, city, or town, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an
 50 increase or decrease in the number of local election districts other than at-large districts. Any ordinance required to comply with the
 51 requirements of § 24.2-307 shall be adopted on or before February 1, 2019.

If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the county, city, or town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-395, and send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.

This section shall not prohibit any county, city, or town from adopting an ordinance revising precinct boundaries after January 1, 2021. However, no revisions in precinct boundaries shall be implemented in the conduct of elections prior to May 15, 2021.

§ 30-263. Joint Reapportionment Committee; membership; terms; quorum; compensation and expenses.

A. The Joint Reapportionment Committee (the Joint Committee) is established in the legislative branch of state government. The Joint Committee shall consist of five members of the Committee on Privileges and Elections of the House of Delegates and three members of the Committee on Privileges and Elections of the Senate appointed by the respective chairmen of the two committees. Members shall serve terms coincident with their terms of office.

B. The Joint Committee shall elect a chairman and vice-chairman from among its membership. A majority of the members of the Joint Committee shall constitute a quorum. The meetings of the Joint Committee shall be held at the call of the chairman or whenever the majority of the members so request.

C. The Joint Committee shall supervise activities required for the tabulation of population for the census and for the timely reception of precinct population data for reapportionment.

D. Members shall receive such compensation as provided in § 30-19.12 and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Office of the Clerk of the House of Delegates and the Office of Clerk of the Senate for their respective members.

§ 30-264. Staff to Joint Reapportionment Committee.

The Division of Legislative Services shall serve as staff to the Joint Reapportionment Committee.

§ 30-265. Reapportionment of congressional and state legislative districts; United States Census population counts.

For the purposes of redrawing the boundaries of the congressional, state Senate, and House of Delegates districts after the United States Census for the year 2020 and every 10 years thereafter, the Virginia Redistricting Commission established pursuant to Chapter 62 of Title 30 shall use the population data provided by the United States Bureau of the Census, as adjusted by the Division of Legislative Services pursuant to § 24.2-314. The census data used for this apportionment purpose shall not include any population figure which is not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats among the states.

CHAPTER 62.

VIRGINIA REDISTRICTING COMMISSION.

§ 30-391. Virginia Redistricting Commission.

A. The Virginia Redistricting Commission is established in the legislative branch of state government. It shall be convened in the year 2020 and every 10 years thereafter for the purpose of establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly.

B. As used in this chapter:

"Census data" means the population data received from the United States Bureau of the Census pursuant to P.L. 94-171.

"Commission" means the Virginia Redistricting Commission established pursuant to this chapter.

"Committee" means the Redistricting Commission Selection Committee established pursuant to § 30-393.

"Partisan public office" means (i) an elective or appointive office in the executive or legislative branch or in an independent establishment of the federal government; (ii) an elective office in the executive or legislative branch of the government of the Commonwealth, or an office that is filled by appointment and is exempt from the Virginia Personnel Act (§ 2.2-2900 et seq.); or (iii) an office of a county, city, or other political subdivision of the Commonwealth that is filled by an election process involving nomination and election of candidates on a partisan basis.

"Political party office" means an elective office in the national or state organization of a political party, as defined in § 24.2-101.

§ 30-392. Membership; terms; vacancies; chairman; quorum; compensation and expenses.

A. The Virginia Redistricting Commission shall consist of 16 commissioners that include eight legislative commissioners and

1 eight citizen commissioners as follows: two commissioners shall be members of the Senate of Virginia, representing the political party
 2 having the highest number of members in the Senate and appointed by the President pro tempore of the Senate; two commissioners
 3 shall be members of the Senate, representing the political party having the next highest number of members in the Senate and appointed
 4 by the leader of that political party; two commissioners shall be members of the House of Delegates, representing the political party
 5 having the highest number of members in the House of Delegates and appointed by the Speaker of the House of Delegates; two
 6 commissioners shall be members of the House of Delegates, representing the political party having the next highest number of
 7 members in the House of Delegates and appointed by the leader of that political party; and eight citizen commissioners who shall be
 8 selected by the Redistricting Commission Selection Committee pursuant to § 30-394. No appointing authority shall appoint himself to
 9 serve as a legislative commissioner or a citizen commissioner.

10 B. Legislative commissioners selected to serve as commissioners of the Commission shall be appointed by the respective authorities no
 11 later than December 1 of the year ending in zero and shall continue to serve until their successors are appointed. In making its
 12 appointments, the appointing authorities shall endeavor to have their appointees reflect the racial, ethnic, geographic, and gender
 13 diversity of the Commonwealth. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.
 14 Vacancies shall be filled in the same manner as the original appointment, such that the proper partisan balance of the Commission is
 15 maintained.

16 C. Citizen commissioners selected to serve as commissioners of the Virginia Redistricting Commission shall be selected by the
 17 Redistricting Commission Selection Committee as provided in § 30-394. In making its selections, the Committee shall ensure the
 18 citizen commissioners are, as a whole, representative of the racial, ethnic, geographic, and gender diversity of the Commonwealth.
 19 Citizen commissioners shall be appointed no later than January 15 of the year ending in one and shall continue to serve until their
 20 successors are appointed. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies
 21 shall be filled by the Commission selecting a replacement from the list submitted pursuant to subsection E of § 30-394 from which the
 22 commissioner being replaced was selected and shall require an affirmative vote of a majority of the commissioners, including at least
 23 one commissioner representing or affiliated with each political party.

24 D. Legislative commissioners shall receive such compensation as provided in § 30-19.12, and citizen commissioners shall receive such
 25 compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses
 26 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. All such compensation and expense payments
 27 shall come from existing appropriations to the Commission.

28 E. By February 1 of the year ending in one, the Commission shall hold a public meeting at which it shall select a chairman from its
 29 membership. The chairman shall be a citizen commissioner and shall be responsible for coordinating the work of the Commission. A
 30 majority of the commissioners appointed, which majority shall include a majority of the legislative commissioners and a majority of the
 31 citizen commissioners, shall constitute a quorum.

32 F. All meetings and records of the Commission shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except
 33 as provided in subsection E of § 30-394. All records and documents of the Commission, or any individual or group performing
 34 delegated functions of or advising the Commission, related to the Commission's work, including internal communications and
 35 communications from outside parties, shall be considered public information.

36 G. Commissioners, staff of the Commission, and any other advisor or consultant to the Commission shall not communicate with any
 37 person outside the Commission about matters related to reapportionment or redistricting outside of a public meeting or hearing. Written
 38 public comments submitted to the Commission, staff of the Commission, or any other advisor or consultant to the Commission shall
 39 not be a violation of this subsection.

40 H. In the event the Commission hires a lawyer or law firm, the Commission as an entity shall be considered the client of the lawyer or
 41 the law firm. No individual commissioner or group of commissioners shall be considered to be the client of the lawyer or the law firm.

42 I. Notwithstanding paragraph G. above or any other provision of law, the Chairs of the Virginia Redistricting Commission shall keep
 43 the Senate President Pro Tempore, the Senate Minority Leader, the Speaker of the House of Delegates, the House Minority Leader, and
 44 the Governor informed about the timing of availability of United States Bureau of the Census data as it relates to the tabulation of the
 45 population for reapportionment purposes pursuant to P.L. 94-171, and options for redistricting and its impact on elections for the House
 46 of Delegates.

47 **§ 30-393. Redistricting Commission Selection Committee; chairman; quorum; compensation and expenses.**

48 A. There shall be a Redistricting Commission Selection Committee established for the purpose of selecting the citizen commissioners
 49 of the Virginia Redistricting Commission. This committee shall consist of five retired judges of the circuit courts of Virginia.

50 B. By November 15 of the year ending in zero, the Chief Justice of the Supreme Court of Virginia shall certify to the Speaker of the
 51 House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House
 52 of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having
 53 the next highest number of members in the Senate of Virginia a list of at least 10 retired judges of the circuit courts of Virginia who are
 54 willing to serve on the Committee, and no retired judge who is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-
 55 in-law of, or a cohabitating member of a household with, a member of the Congress of the United States or of the General Assembly

shall be included in such list. In compiling this list, the Chief Justice shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth. These members shall each select a judge from the list and shall promptly, but not later than November 20, communicate their selection to the Chief Justice, who shall immediately notify the four judges selected. In making their selections, the members shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth. Within three days of being notified of their selection, the four judges shall select, by a majority vote, a judge from the list prescribed herein to serve as the fifth member of the Committee, who shall serve as the chairman of the Committee.

A majority of the Committee members, which majority shall include the chairman, shall constitute a quorum.

The judges of the Committee shall serve until their successors are appointed. If a judge cannot, for any reason, complete his term, the remaining judges shall select a replacement from the list prescribed herein.

C. Members of the Committee shall receive compensation for their services and shall be allowed all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2- 2813 and 2.2-2825. The compensation and expenses of members and all other necessary expenses of the Committee shall be provided from existing appropriations to the Commission.

D. All meetings and records of the Committee shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except as provided in subsection E of § 30-394.

E. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required by this section is to be performed on a Saturday, Sunday, or legal holiday, or any day or part of a day on which the government office where the act to be performed is closed, the act required shall be performed on the first business day immediately preceding the Saturday, Sunday, or legal holiday, or day on which the government office is closed.

F. Notwithstanding paragraph C. above, or any other provision of law, the daily compensation and reimbursement for reasonable and necessary expenses for legislative and non-legislative members of the Virginia Redistricting Commission for attendance at an official meeting shall be set at the same amounts provided for legislative members in paragraphs B.4.d. and B.5. of Item 1 of the this act.

§ 30-394. Citizen commissioners; application process; qualifications; selection.

A. Within three days following the selection of the fifth member of the Committee, the Committee shall adopt an application and process by which residents of the Commonwealth may apply to serve on the Commission as citizen commissioners. The Division of Legislative Services shall assist the Committee in the development of the application and process.

The application for service on the Commission shall require applicants to provide personal contact information and information regarding the applicant's race, ethnicity, gender, age, date of birth, education, and household income. The application shall require an applicant to disclose, for the period of three years immediately preceding the application period, the applicant's (i) voter registration status; (ii) preferred political party affiliation, if any, and any political party primary elections in which he has voted; (iii) history of any partisan public offices or political party offices held or sought; (iv) employment history, including any current or prior employment with the Congress of the United States or one of its members, the General Assembly or one of its members, any political party, or any campaign for a partisan public office, including a volunteer position; and (v) relevant leadership experience or involvements with professional, social, political, volunteer, and community organizations and causes.

The application shall require an applicant to disclose information regarding the partisan activities and employment history of the applicant's parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law, or any person with whom the applicant is a cohabitating member of a household, for the period of three years immediately preceding the application period.

The Committee may require applicants to submit three letters of recommendation from individuals or organizations.

The application process shall provide for both paper and electronic or online applications. The Committee shall cause to be advertised throughout the Commonwealth information about the Commission and how interested persons may apply.

B. To be eligible for service on the Commission, a person shall have been a resident of the Commonwealth and a registered voter in the Commonwealth for three years immediately preceding the application period. He shall have voted in at least two of the previous three general elections. No person shall be eligible for service on the Commission who:

1. Holds, has held, or has sought partisan public office or political party office;
2. Is employed by or has been employed by a member of the Congress of the United States or of the General Assembly or is employed directly by or has been employed directly by the United States Congress or by the General Assembly;
3. Is employed by or has been employed by any federal, state, or local campaign;
4. Is employed by or has been employed by any political party or is a member of a political party central committee;
5. Is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or a lobbyist's principal as defined in § 2.2-419 or has been such a lobbyist or lobbyist's principal in the previous five years; or

6. Is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of a person described in subdivisions 1 through 5, or is a cohabitating member of a household with such a person.

C. The application period shall begin no later than December 1 of the year ending in zero and shall end four weeks after the beginning date. During this period, interested persons shall submit a completed application and any required documentation to the Division of Legislative Services. All applications shall be reviewed by the Division of Legislative Services to ensure an applicant's eligibility for service pursuant to subsection B, and any applicant who is ineligible for service shall be removed from the applicant pool.

The Division of Legislative Services shall make available the application for persons to use when submitting a paper application and shall provide electronic access for electronic submission of applications.

D. Within two days of the close of the application period, the Division of Legislative Services shall provide to the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next highest number of members in the Senate of Virginia the applications and documentation submitted by those applicants who are eligible for service on the Commission pursuant to subsection B and submitted complete applications, including any required documentation.

E. By January 1 of the year ending in one, those persons receiving the applications pursuant to subsection D shall each submit to the Committee a list of at least 16 citizen candidates for service on the Commission. In selecting citizen candidates, they shall give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth.

They shall notify the Division of Legislative Services of the citizen candidates submitted to the Committee for consideration, and the Division of Legislative Services shall promptly provide to the Committee the applications and documentation for each citizen candidate being considered. Only the applications and documentation for each citizen candidate shall be maintained as public records.

F. Within two weeks of receipt of the lists of citizen candidates and related materials pursuant to subsection E, but no later than January 15, the Committee shall select, by a majority vote in a public meeting, two citizen members from each list submitted. In making its selections, the Committee shall ensure the citizen commissioners are, as a whole, representative of the racial, ethnic, geographic, and gender diversity of the Commonwealth. The Committee shall promptly notify those eight citizens of their selection to serve as a citizen commissioner of the Commission.

No member of the Committee shall communicate with a member of the General Assembly or the United States Congress, or any person acting on behalf of a member of the General Assembly or the United States Congress, about any matter related to the selection of citizen commissioners after receipt of the lists submitted pursuant to subsection E.

G. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required by this section is to be performed on a Saturday, Sunday, or legal holiday, or any day or part of a day on which the government office where the act to be performed is closed, the act required shall be performed on the first business day immediately preceding the Saturday, Sunday, or legal holiday, or day on which the government office is closed.

§ 30-395. Staff to Virginia Redistricting Commission; census liaison.

A. The Division of Legislative Services shall provide staff support to the Commission. Staff shall perform those duties assigned to it by the Commission. The Director of the Division of Legislative Services, or his designated representative, shall serve as the state liaison with the United States Bureau of the Census on matters relating to the tabulation of the population for reapportionment purposes pursuant to P.L. 94-171. The governing bodies, electoral boards, and registrars of every county and municipality shall cooperate with the Division of Legislative Services in the exchange of all statistical and other information pertinent to preparation for the census.

B. The Division of Legislative Services shall maintain the current election district and precinct boundaries of each county and city as a part of the Commission's computer-assisted mapping and redistricting system. Whenever a county or city governing body adopts an ordinance that changes an election district or precinct boundary, the local governing body shall provide a copy of its ordinance, along with Geographic Information System (GIS) maps and other evidence documenting the boundary, to the Division of Legislative Services.

C. The provisions of Article 2 (§ 24.2-302 et seq.) of Chapter 3 of Title 24.2, including the statistical reports referred to in that article, shall be controlling in any legal determination of a district boundary.

§ 30-396. Public participation in redistricting process.

A. All meetings and hearings held by the Commission shall be adequately advertised and planned to ensure the public is able to attend and participate fully. Meetings and hearings shall be advertised in multiple languages as practicable and appropriate.

B. Prior to proposing any plan for districts for the United States House of Representatives, the Senate, or the House of Delegates and prior to voting to submit such plans to the General Assembly, the Commission shall hold at least three public hearings in order to receive and consider comments from the public. Public hearings may be held virtually and any public hearings that are held in person

1 shall be conducted in different parts of the Commonwealth.

2 C. The Commission shall establish and maintain a website or other equivalent electronic platform. The website shall be available
3 to the general public and shall be used to disseminate information about the Commission's activities. The website shall be capable
4 of receiving comments and proposals by citizens of the Commonwealth. Prior to voting on any proposed plan, the Commission
5 shall publish the proposed plans on the website.

6 D. All data used by the Commission in the drawing of districts shall be available to the public on its website. Such data, including
7 census data, precinct maps, election results, and shapefiles, shall be posted within three days of receipt by the Commission.

8 **§ 30-397. Proposal and submission of plans for districts.**

9 A. The Commission shall submit to the General Assembly plans for districts for the Senate and the House of Delegates of the
10 General Assembly no later than 45 days following the receipt of census data.

11 To be submitted as a proposed plan for districts for members of the Senate, a plan shall receive affirmative votes of at least six of
12 the eight legislative commissioners, including at least three of the four legislative commissioners who are members of the Senate,
13 and at least six of the eight citizen commissioners.

14 To be submitted as a proposed plan for districts for members of the House of Delegates, a plan shall receive affirmative votes of at
15 least six of the eight legislative commissioners, including at least three of the four legislative commissioners who are members of
16 the House of Delegates, and at least six of the eight citizen commissioners.

17 B. The Commission shall submit to the General Assembly plans for districts for the United States House of Representatives no
18 later than 60 days following the receipt of census data or by the first day of July of that year, whichever occurs first.

19 To be submitted as a proposed plan for districts for members of the United States House of Representatives, a plan shall receive
20 affirmative votes of at least six of the eight legislative commissioners and at least six of the eight citizen commissioners.

21 C. If the Commission fails to submit a plan for districts by the deadline set forth in subsection A or B, the Commission shall have
22 14 days following its initial failure to submit a plan to the General Assembly. If the Commission fails to submit a plan for districts
23 to the General Assembly by this date, the districts shall be established by the Supreme Court of Virginia pursuant to § 30-399.

24 D. All plans submitted pursuant to this section shall comply with the criteria and standards set forth in § 24.2-304.04.

25 **§ 30-398. Consideration of plans by the General Assembly; timeline.**

26 A. All plans for districts for the Senate and the House of Delegates shall be embodied in and voted on as a single bill.

27 B. All bills embodying plans for districts for the United States House of Representatives, the Senate, or the House of Delegates
28 shall be voted on by the General Assembly in accordance with the provisions of Article IV, Section 11 of the Constitution of
29 Virginia, except no amendments shall be permitted. All bills embodying a plan that are approved by both houses shall become law
30 without the signature of the Governor and, pursuant to Article II, Section 6 of the Constitution of Virginia, shall take effect
31 immediately.

32 C. Within 15 days of receipt of any plan for districts, the General Assembly shall take a vote on a bill embodying such plan. If the
33 General Assembly fails to adopt the bill by this deadline, the Commission shall submit a new plan for districts within 14 days of
34 the General Assembly's failure to adopt the bill. Within seven days of receipt of such plan, the General Assembly shall take a vote
35 on the bill embodying the plan, and if the General Assembly fails to adopt the plan by this deadline, the districts shall be
36 established by the Supreme Court of Virginia pursuant to § 30-399.

37 D. If the Commission submits a plan for districts pursuant to subsection C of § 30-397, the General Assembly shall take a vote on
38 such plan within seven days of its receipt. If the General Assembly fails to adopt the plan by this deadline, the districts shall be
39 established by the Supreme Court of Virginia pursuant to § 30-399.

40 **§ 30-399. Establishment of districts by the Supreme Court of Virginia.**

41 A. In the event the Commission fails to submit a plan for districts by the deadline set forth in subsection A or B of § 30-397, or the
42 General Assembly fails to adopt a plan for districts by the deadline set forth in subsection C or D of § 30-398, the Supreme Court
43 of Virginia (the Court) shall be responsible for establishing the districts.

44 B. The Court shall, not later than March 1 of a year ending in one, enact rules and procedures as may be necessary for
45 implementing the requirements of Article II, Section 6-A of the Constitution of Virginia, empowering the Court to establish
46 congressional or state legislative districts as provided for in that section. In enacting such rules and procedures, the Court shall
47 follow the provisions of this section.

48 C. Public participation in the Court's redistricting deliberations shall be permitted. Such public participation may be through
49 briefings, written submissions, hearings in open court, or any other means as may be prescribed by the Court.

1 D. The Division of Legislative Services shall make available staff support and technical assistance to the Court to perform those duties
2 as may be requested or assigned to it by the Court.

3 E. Any plan for congressional or state legislative districts established by the Court shall adhere to the standards and criteria for districts
4 set forth in Article II, Section 6 of the Constitution of Virginia and § 24.2-304.04.

5 F. The Court shall appoint two special masters to assist the Court in the establishment of districts. The two special masters shall work
6 together to develop any plan to be submitted to the Court for its consideration.

7 Within one week of the Commission's failure to submit plans or the General Assembly's failure to adopt plans, the leaders in the House
8 of Delegates having the highest and next highest number of members in the House of Delegates and the leaders in the Senate of
9 Virginia having the highest and next highest number of members in the Senate of Virginia shall each submit to the Court a list of three
10 or more nominees, along with a brief biography and resume for each nominee, including the nominee's particular expertise or
11 experience relevant to redistricting. The Court shall then select, by a majority vote, one special master from the lists submitted by the
12 legislative leaders of the political party having the highest number of members in their respective chambers and one special master
13 from the lists submitted by the legislative leaders of the political party having the next highest number of members in their respective
14 chambers. The persons appointed to serve as special masters shall have the requisite qualifications and experience to serve as a special
15 master and shall have no conflicts of interest. In making its appointments, the Court shall consider any relevant redistricting experience
16 in the Commonwealth and any practical or academic experience in the field of redistricting. The Court shall be reimbursed by the
17 Commonwealth for all costs, including fees and expenses, related to the appointment or work of the special master from funds
18 appropriated for this purpose.

19 G. Any justice who is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of, or a cohabitating member of a
20 household with, a member of the Congress of the United States or of the General Assembly shall recuse himself from any decision
21 made pursuant to this section, and no senior justice designated pursuant to § 17.1-302 shall be assigned to the case or matter to serve in
22 his place.

23 **§ 30-400. Remedial redistricting plans.**

24 **If any congressional or state legislative district established pursuant to this chapter or the provisions of Article II, Sections 6**
25 **and 6-A of the Constitution of Virginia is declared unlawful or unconstitutional, in whole or in part, by order of any state or**
26 **federal court, the Commission shall be convened to determine and propose a redistricting plan to remedy the unlawful or**
27 **unconstitutional district.**

28 **10. That an emergency exists and the provisions of Enactment 9 of this act shall become effective on November 15, 2020,**
29 **contingent upon the passage of an amendment to the Constitution of Virginia on the Tuesday after the first Monday in**
30 **November 2020, establishing the Virginia Redistricting Commission by amending Section 6 of Article II and adding in Article**
31 **II a new section numbered 6-A. If such amendment is not approved by the voters, the provisions of this act shall not become**
32 **effective.**

33 **11. That §§ 58.1-301, 58.1-322.02, 58.1-322.03, and 58.1-402 of the Code of Virginia are amended and reenacted as follows:**

34 **§ 58.1-301. Conformity to Internal Revenue Code.**

35 A. Any term used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United States
36 relating to federal income taxes, unless a different meaning is clearly required.

37 B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the
38 Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal
39 income taxes, as they existed on December 31, 2020, except for:

40 1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the
41 Internal Revenue Code;

42 2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;

43 3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the Internal Revenue Code;

44 4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax purposes, income from the
45 discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument" (as defined under § 108(i) of the
46 Internal Revenue Code) reacquired in the taxable year shall be fully included in the taxpayer's Virginia taxable income for the taxable
47 year, unless the taxpayer elects to include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year
48 period beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-year period beginning
49 with taxable year 2010 for transactions completed in taxable year 2010 on or before April 21, 2010. For purposes of such election, all
50 other provisions of § 108(i) of the Internal Revenue Code shall apply mutatis mutandis. No other deferral shall be allowed for income
51 from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument";

5. For taxable years beginning on and after January 1, 2019, the suspension of the overall limitation on itemized deductions under § 68(f) of the Internal Revenue Code;

6. For taxable years beginning on and after January 1, 2017, but before January 1, 2018, and for taxable years beginning on and after January 1, 2019, the 7.5 percent of federal adjusted gross income threshold set forth in § 213(a) of the Internal Revenue Code that is used for purposes of computing the deduction allowed for expenses for medical care pursuant to § 213 of the Internal Revenue Code. For such taxable years, the threshold utilized for Virginia income tax purposes to compute the deduction allowed for expenses for medical care pursuant to § 213 of the Internal Revenue Code shall be 10 percent of federal adjusted gross income;

7. The provisions of §§ 2303(a) and 2303(b) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to the net operating loss limitation and carryback;

8. The provisions of § 2304(a) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to a loss limitation applicable to taxpayers other than corporations;

9. The provisions of § 2306 of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to the limitation on business interest; and

10. The provisions of §§ 276(a), 276(b)(2), 276(b)(3), 278(a)(2), 278(a)(3), 278(b)(2), 278(b)(3), 278(c)(2), 278(c)(3), 278(d)(2), and 278(d)(3) of the federal Consolidated Appropriations Act, P.L. 116-260 (2020), related to deductions, tax attributes, and basis increases for certain loan forgiveness and other business financial assistance.

The Department of Taxation is hereby authorized to develop procedures or guidelines for implementation of the provisions of this section, which procedures or guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-322.02. Virginia taxable income; subtractions.

In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified in this subdivision.

9. Amounts received by an individual, not to exceed \$1,000 for taxable years beginning on or before December 31, 2019, and \$5,000 for taxable years beginning on or after January 1, 2020, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

- 1 11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by §
2 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a
3 deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the
4 contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to
5 such plan or program were subject to taxation under the income tax in another state.
- 6 12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the
7 Virginia College Savings Plan, created pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. The subtraction for any income
8 attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a
9 scholarship.
- 10 13. All military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted, or
11 exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent
12 of Congress in a combat zone or qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to §
13 112 of the Internal Revenue Code.
- 14 14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or
15 exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as
16 that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent that a subtraction is taken in accordance
17 with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following
18 the year in which the subtraction is taken.
- 19 15. Fifteen thousand dollars of military basic pay for military service personnel on extended active duty for periods in excess of 90
20 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount by which the taxpayer's military basic pay
21 exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.
- 22 16. The first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year
23 is \$15,000 or less.
- 24 17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.
- 25 18. Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.
- 26 19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from, hidden from, or otherwise lost by an
27 individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or
28 target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World
29 War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the
30 proceeds from the sale of assets stolen from, hidden from, or otherwise lost to, during World War II and its prelude and direct
31 aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first
32 recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, surviving spouse, or child or
33 stepchild of such victim.
- 34 As used in this subdivision:
- 35 "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi
36 Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.
- 37 "Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets
38 stolen from, hidden from, or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust, (ii) World War II
39 and its prelude and direct aftermath, (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi
40 persecution, or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and
41 aftermath. A "victim or target of Nazi persecution" also includes any individual forced into labor against his will, under the threat of
42 death, during World War II and its prelude and direct aftermath.
- 43 20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line
44 of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the
45 survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.
- 46 21. The death benefit payments from an annuity contract that are received by a beneficiary of such contract, provided that (i) the death
47 benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by
48 lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in
49 federal adjusted gross income.
- 50 22. Any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch
51 services intended to provide individuals with the training or experience of a launch, without performing an actual launch. To qualify for
52 a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Administration, provided that the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 36-174. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330; or (iii) transferred from an account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 36-171.

26. For taxable years beginning on and after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

27. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 27:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

28. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this

subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 28:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

29. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

30. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$100,000 of all grant funds received by the taxpayer under the Rebuild Virginia program established by the Governor and administered by the Department of Small Business and Supplier Diversity.

§ 58.1-322.03. Virginia taxable income; deductions.

In computing Virginia taxable income pursuant to § 58.1-322, there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount that, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return: (i) for taxable years beginning before January 1, 2019, and on and after January 1, 2026, \$3,000 for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) and (ii) for taxable years beginning on and after January 1, 2019, but before January 1, 2026, \$4,500 for single individuals and \$9,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return). For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$930 for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. Each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided that the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. A deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. A deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction shall be reduced by \$1 for every \$1 that the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the

- 1 Internal Revenue Code, as amended.
- 2 6. The amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is
3 not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax
4 return.
- 5 7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a
6 prepaid tuition contract or college savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 7
7 (§ 23.1-700 et seq.) of Title 23.1. Except as provided in subdivision b, the amount deducted on any individual income tax return in
8 any taxable year shall be limited to \$4,000 per prepaid tuition contract or college savings trust account. No deduction shall be
9 allowed pursuant to this subdivision 7 if such payments or contributions are deducted on the purchaser's or contributor's federal
10 income tax return. If the purchase price or annual contribution to a college savings trust account exceeds \$4,000, the remainder
11 may be carried forward and subtracted in future taxable years until the purchase price or college savings trust contribution has
12 been fully deducted; however, except as provided in subdivision b, in no event shall the amount deducted in any taxable year
13 exceed \$4,000 per contract or college savings trust account. Notwithstanding the statute of limitations on assessments contained in
14 § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or
15 refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal
16 Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision,
17 "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December
18 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or college savings trust account, the
19 transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or college savings trust account,
20 including, but not limited to, carryover and recapture of deductions.
- 21 b. A purchaser of a prepaid tuition contract or contributor to a college savings trust account who has attained age 70 shall not be
22 subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or college savings trust
23 account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to
24 a college savings trust account, less any amounts previously deducted.
- 25 8. The total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and
26 Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided that the individual has not claimed a deduction for
27 such amount on his federal income tax return.
- 28 9. An amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher
29 licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required
30 as a condition of employment; however, the deduction provided by this subdivision shall be available only if (i) the individual is
31 not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on
32 his federal income tax return.
- 33 10. The amount an individual pays annually in premiums for long-term health care insurance, provided that the individual has not
34 claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-
35 339.11. For taxable years beginning on and after January 1, 2014, no such deduction for long-term health care insurance premiums
36 paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for
37 such taxable year for long-term health care insurance premiums paid by him.
- 38 11. Contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American
39 Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to
40 subsection D of § 58.1-402, as follows:
- 41 a. If the payment is received in installment payments, then the recognized gain may be subtracted in the taxable year immediately
42 following the year in which the installment payment is received.
- 43 b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year
44 immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of
45 the nine succeeding taxable years.
- 46 12. An amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500
47 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers,
48 room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency
49 requirements developed by the U.S. Environmental Protection Agency and the U.S. Department of Energy; (ii) any fuel cell that
50 (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent,
51 and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least
52 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least
53 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy
54 efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5;
55 (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a
56 minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of

1 85; and (x) programmable thermostats.

2 13. The lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket
3 expenses directly related to the donation that arose within 12 months of such donation, provided that the donor has not taken a medical
4 deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in
5 the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

6 14. For taxable years beginning on and after January 1, 2013, the amount an individual age 66 or older with earned income of at least
7 \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a
8 prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax
9 filers may claim a deduction for such premiums under federal income tax laws. As used in this subdivision, "earned income" means the
10 same as that term is defined in § 32(c) of the Internal Revenue Code. The deduction shall not be allowed for any portion of such
11 premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a
12 deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit
13 pursuant to this chapter.

14 15. For taxable years beginning on and after January 1, 2018, 20 percent of business interest disallowed as a deduction pursuant to §
15 163(j) of the Internal Revenue Code. For purposes of this subdivision, "business interest" means the same as that term is defined under
16 § 163(j) of the Internal Revenue Code.

17 16. For taxable years beginning on and after January 1, 2019, the actual amount of real and personal property taxes imposed by the
18 Commonwealth or any other taxing jurisdiction not otherwise deducted solely on account of the dollar limitation imposed on individual
19 deductions by § 164(b)(6)(B) of the Internal Revenue Code.

20 17. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$100,000 of the amount that is not
21 deductible when computing federal adjusted gross income solely on account of the portion of subdivision B 10 of § 58.1-301 related to
22 Paycheck Protection Program loans.

23 **§ 58.1-402. Virginia taxable income.**

24 A. For purposes of this article, Virginia taxable income for a taxable year means the federal taxable income and any other income
25 taxable to the corporation under federal law for such year of a corporation adjusted as provided in subsections B, C, D, E, G, and H.

26 For a regulated investment company and a real estate investment trust, such term means the "investment company taxable income" and
27 "real estate investment trust taxable income," respectively, to which shall be added in each case any amount of capital gains and any
28 other income taxable to the corporation under federal law which shall be further adjusted as provided in subsections B, C, D, E, G, and
29 H.

30 B. There shall be added to the extent excluded from federal taxable income:

31 1. Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other than
32 Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which the Commonwealth is a
33 party;

34 2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or
35 securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal
36 income tax but not from state income taxes;

37 3. [Repealed.]

38 4. The amount of any net income taxes and other taxes, including franchise and excise taxes, which are based on, measured by, or
39 computed with reference to net income, imposed by the Commonwealth or any other taxing jurisdiction, to the extent deducted in
40 determining federal taxable income;

41 5. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

42 6. [Repealed.]

43 7. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant
44 to § 667 of the Internal Revenue Code;

45 8. a. For taxable years beginning on and after January 1, 2004, the amount of any intangible expenses and costs directly or indirectly
46 paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more
47 related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia
48 purposes. This addition shall not be required for any portion of the intangible expenses and costs if one of the following applies:

49 (1) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital
50 imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States

- 1 government;
- 2 (2) The related member derives at least one-third of its gross revenues from the licensing of intangible property to parties who are
 3 not related members, and the transaction giving rise to the expenses and costs between the corporation and the related member
 4 was made at rates and terms comparable to the rates and terms of agreements that the related member has entered into with parties
 5 who are not related members for the licensing of intangible property; or
- 6 (3) The corporation can establish to the satisfaction of the Tax Commissioner that the intangible expenses and costs meet both of
 7 the following: (i) the related member during the same taxable year directly or indirectly paid, accrued or incurred such portion to a
 8 person who is not a related member, and (ii) the transaction giving rise to the intangible expenses and costs between the
 9 corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this
 10 chapter.
- 11 b. A corporation required to add to its federal taxable income intangible expenses and costs pursuant to subdivision a may petition
 12 the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all
 13 taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of intangible expenses and
 14 costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or
 15 transactions between the corporation and a related member or members that resulted in the corporation's taxable income being
 16 increased, as required under subdivision a, for such intangible expenses and costs.
- 17 If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the
 18 transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income
 19 pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter, the
 20 Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements
 21 of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the
 22 transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter. Such amended
 23 return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund
 24 of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such
 25 interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the
 26 corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed
 27 under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this
 28 subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear
 29 and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable
 30 years to deduct the related intangible expenses and costs without making the adjustment under subdivision a.
- 31 The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this
 32 subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition
 33 the review of any petition pursuant to this subdivision upon payment of such fee.
- 34 No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court
 35 of this Commonwealth.
- 36 c. Nothing in subdivision B 8 shall be construed to limit or negate the Department's authority under § 58.1-446;
- 37 9. a. For taxable years beginning on and after January 1, 2004, the amount of any interest expenses and costs directly or indirectly
 38 paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or
 39 more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for
 40 Virginia purposes. This addition shall not be required for any portion of the interest expenses and costs, if:
- 41 (1) The related member has substantial business operations relating to interest-generating activities, in which the related member
 42 pays expenses for at least five full-time employees who maintain, manage, defend or are otherwise responsible for operations or
 43 administration relating to the interest-generating activities; and
- 44 (2) The interest expenses and costs are not directly or indirectly for, related to or in connection with the direct or indirect
 45 acquisition, maintenance, management, sale, exchange, or disposition of intangible property; and
- 46 (3) The transaction giving rise to the expenses and costs between the corporation and the related member has a valid business
 47 purpose other than the avoidance or reduction of taxation and payments between the parties are made at arm's length rates and
 48 terms; and
- 49 (4) One of the following applies:
- 50 (i) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or
 51 capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the
 52 United States government;
- 53 (ii) Payments arise pursuant to a pre-existing contract entered into when the parties were not related members provided the

- 1 payments continue to be made at arm's length rates and terms;
- 2 (iii) The related member engages in transactions with parties other than related members that generate revenue in excess of \$2 million
3 annually; or
- 4 (iv) The transaction giving rise to the interest payments between the corporation and a related member was done at arm's length rates
5 and terms and meets any of the following: (a) the related member uses funds that are borrowed from a party other than a related
6 member or that are paid, incurred or passed-through to a person who is not a related member; (b) the debt is part of a regular and
7 systematic funds management or portfolio investment activity conducted by the related member, whereby the funds of two or more
8 related members are aggregated for the purpose of achieving economies of scale, the internal financing of the active business
9 operations of members, or the benefit of centralized management of funds; (c) financing the expansion of the business operations; or
10 (d) restructuring the debt of related members, or the pass-through of acquisition-related indebtedness to related members.
- 11 b. A corporation required to add to its federal taxable income interest expenses and costs pursuant to subdivision a may petition the Tax
12 Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties,
13 and interest due under this article for such taxable year including tax upon any amount of interest expenses and costs required to be
14 added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the
15 corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under
16 subdivision a, for such interest expenses and costs.
- 17 If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction
18 or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to
19 subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related
20 payments between the parties were made at arm's length rates and terms, the Tax Commissioner shall permit the corporation to file an
21 amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which
22 the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or
23 reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms.
24 Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and
25 any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15
26 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of
27 the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed
28 under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In
29 addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing
30 evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the
31 related interest expenses and costs without making the adjustment under subdivision a.
- 32 The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this
33 subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the
34 review of any petition pursuant to this subdivision upon payment of such fee.
- 35 No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this
36 Commonwealth.
- 37 c. Nothing in subdivision B 9 shall be construed to limit or negate the Department's authority under § 58.1-446.
- 38 d. For purposes of subdivision B 9:
- 39 "Arm's-length rates and terms" means that (i) two or more related members enter into a written agreement for the transaction, (ii) such
40 agreement is of a duration and contains payment terms substantially similar to those that the related member would be able to obtain
41 from an unrelated entity, (iii) the interest is at or below the applicable federal rate compounded annually for debt instruments under §
42 1274(d) of the Internal Revenue Code that was in effect at the time of the agreement, and (iv) the borrower or payor adheres to the
43 payment terms of the agreement governing the transaction or any amendments thereto.
- 44 "Valid business purpose" means one or more business purposes that alone or in combination constitute the motivation for some
45 business activity or transaction, which activity or transaction improves, apart from tax effects, the economic position of the taxpayer, as
46 further defined by regulation.
- 47 10. a. For taxable years beginning on and after January 1, 2009, the amount of dividends deductible under §§ 561 and 857 of the
48 Internal Revenue Code by a Captive Real Estate Investment Trust (REIT). For purposes of this subdivision, a REIT is a Captive REIT
49 if:
- 50 (1) It is not regularly traded on an established securities market;
- 51 (2) More than 50 percent of the voting power or value of beneficial interests or shares of which, at any time during the last half of the
52 taxable year, is owned or controlled, directly or indirectly, by a single entity that is (i) a corporation or an association taxable as a
53 corporation under the Internal Revenue Code; and (ii) not exempt from federal income tax pursuant to § 501(a) of the Internal Revenue

- 1 Code; and
- 2 (3) More than 25 percent of its income consists of rents from real property as defined in § 856(d) of the Internal Revenue Code.
- 3 b. For purposes of applying the ownership test of subdivision 10 a (2), the following entities shall not be considered a corporation
4 or an association taxable as a corporation:
- 5 (1) Any REIT that is not treated as a Captive REIT;
- 6 (2) Any REIT subsidiary under § 856 of the Internal Revenue Code other than a qualified REIT subsidiary of a Captive REIT;
- 7 (3) Any Listed Australian Property Trust, or an entity organized as a trust, provided that a Listed Australian Property Trust owns
8 or controls, directly or indirectly, 75 percent or more of the voting or value of the beneficial interests or shares of such trust; and
- 9 (4) Any Qualified Foreign Entity.
- 10 c. For purposes of subdivision B 10, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as
11 modified by § 856(d)(5) of the Internal Revenue Code, shall apply in determining the ownership of stock, assets, or net profits of
12 any person.
- 13 d. For purposes of subdivision B 10:
- 14 "Listed Australian Property Trust" means an Australian unit trust registered as a Management Investment Scheme, pursuant to the
15 Australian Corporations Act, in which the principal class of units is listed on a recognized stock exchange in Australia and is
16 regularly traded on an established securities market.
- 17 "Qualified Foreign Entity" means a corporation, trust, association or partnership organized outside the laws of the United States
18 and that satisfies all of the following criteria:
- 19 (1) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets, as defined
20 in § 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any REIT, cash
21 and cash equivalents, and U.S. Government securities;
- 22 (2) The entity is not subject to a tax on amounts distributed to its beneficial owners, or is exempt from entity level tax;
- 23 (3) The entity distributes, on an annual basis, at least 85 percent of its taxable income, as computed in the jurisdiction in which it
24 is organized, to the holders of its shares or certificates of beneficial interest;
- 25 (4) The shares or certificates of beneficial interest of such entity are regularly traded on an established securities market or, if not
26 so traded, not more than 10 percent of the voting power or value in such entity is held directly, indirectly, or constructively by a
27 single entity or individual; and
- 28 (5) The entity is organized in a country that has a tax treaty with the United States.
- 29 e. For taxable years beginning on or after January 1, 2016, for purposes of subdivision B 10, any voting power or value of the
30 beneficial interests or shares in a REIT that is held in a segregated asset account of a life insurance corporation as described in §
31 817 of the Internal Revenue Code shall not be taken into consideration when determining if such REIT is a Captive REIT.
- 32 11. For taxable years beginning on or after January 1, 2016, to the extent that tax credit is allowed for the same donation pursuant
33 to § 58.1-439.12:12, any amount claimed as a federal income tax deduction for such donation under § 170 of the Internal Revenue
34 Code, as amended or renumbered.
- 35 C. There shall be subtracted to the extent included in and not otherwise subtracted from federal taxable income:
- 36 1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities
37 of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws
38 of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on
39 refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.
- 40 2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political
41 subdivision or instrumentality of this Commonwealth.
- 42 3. Dividends upon stock in any domestic international sales corporation, as defined by § 992 of the Internal Revenue Code, 50
43 percent or more of the income of which was assessable for the preceding year, or the last year in which such corporation has
44 income, under the provisions of the income tax laws of the Commonwealth.
- 45 4. The amount of any refund or credit for overpayment of income taxes imposed by this Commonwealth or any other taxing
46 jurisdiction.

- 1 5. Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code (foreign dividend gross-up).
- 2 6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on
- 3 account of the provisions of § 280C(a) of the Internal Revenue Code.
- 4 7. Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income) or, for taxable years
- 5 beginning on and after January 1, 2018, § 951A of the Internal Revenue Code (Global Intangible Low-Taxed Income).
- 6 8. Any amount included therein which is foreign source income as defined in § [58.1-302](#).
- 7 9. [Repealed.]
- 8 10. The amount of any dividends received from corporations in which the taxpaying corporation owns 50 percent or more of the voting
- 9 stock.
- 10 11. [Repealed.]
- 11 12, 13. [Expired.]
- 12 14. For taxable years beginning on or after January 1, 1995, the amount for "qualified research expenses" or "basic research expenses"
- 13 eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal
- 14 Revenue Code.
- 15 15. For taxable years beginning on or after January 1, 2000, the total amount actually contributed in funds to the Virginia Public School
- 16 Construction Grants Program and Fund established in Chapter 11.1 (§ [22.1-175.1](#) et seq.) of Title 22.1.
- 17 16. For taxable years beginning on or after January 1, 2000, but before January 1, 2015, the gain derived from the sale or exchange of
- 18 real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being
- 19 devoted to open-space use, as that term is defined in § [58.1-3230](#), for a period of time not less than 30 years. To the extent a subtraction
- 20 is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for
- 21 three years following the year in which the subtraction is taken.
- 22 17. For taxable years beginning on and after January 1, 2001, any amount included therein with respect to § [58.1-440.1](#).
- 23 18. For taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as
- 24 defined in § [3.2-3100](#); and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farming businesses;
- 25 (b) any business holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938;
- 26 or (c) any business having the right to grow tobacco pursuant to such a quota allotment.
- 27 19, 20. [Repealed.]
- 28 21. For taxable years beginning on and after January 1, 2004, any amount of intangible expenses and costs or interest expenses and
- 29 costs added to the federal taxable income of a corporation pursuant to subdivision B 8 or B 9 shall be subtracted from the federal
- 30 taxable income of the related member that received such amount if such related member is subject to Virginia income tax on the same
- 31 amount.
- 32 22. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight
- 33 participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch,
- 34 without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia
- 35 or originate from an airport or spaceport in Virginia.
- 36 23. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for
- 37 delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the
- 38 National Aeronautics and Space Administration or other space flight entity, as defined in § [8.01-227.8](#), and launched from an airport or
- 39 spaceport in Virginia.
- 40 24. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax
- 41 purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried
- 42 interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income must be attributable
- 43 to an investment in a "qualified business," as defined in § [58.1-339.4](#), or in any other technology business approved by the Secretary of
- 44 Administration, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual
- 45 revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment must be made
- 46 between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified
- 47 business" under § [58.1-339.4](#) shall be eligible for the subtraction under this subdivision for an investment in the same business.
- 48 25. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest
- 49 income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the
- 50 investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this

subdivision for an investment in a company that is owned or operated by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 for the same investment.

b. As used in this subdivision 25:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

26. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 or 25 for the same investment.

b. As used in this subdivision 26:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

27. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

28. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$100,000 of all grant funds received by the taxpayer under the Rebuild Virginia program established by the Governor and administered by the Department of Small Business and Supplier Diversity.

D. For taxable years beginning on and after January 1, 2006, there shall be subtracted from federal taxable income contract payments to a producer of quota tobacco or a tobacco quota holder as provided under the American Jobs Creation Act of 2004 (P.L. 108-357) as follows:

1. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

2. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

E. Adjustments to federal taxable income shall be made to reflect the transitional modifications provided in § 58.1-315.

F. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance

1 with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department.
 2 Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances.
 3 The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

4 G. For taxable years beginning on and after January 1, 2018, there shall be deducted to the extent included in and not otherwise
 5 subtracted from federal taxable income 20 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal
 6 Revenue Code. For purposes of this subsection, "business interest" means the same as that term is defined under § 163(j) of the Internal
 7 Revenue Code.

8 H. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, there shall be deducted to the extent not
 9 otherwise subtracted from federal taxable income up to \$100,000 of the amount that is not deductible when computing federal taxable
 10 income solely on account of the portion of subdivision B 10 of § 58.1-301 related to Paycheck Protection Program loans.

11 **12. § 1. That the General Assembly finds that Esther Thorne (Ms. Thorne) spent more than six years in prison within the**
 12 **Virginia Department of Corrections for crimes she did not commit. On June 1, 2020, the Virginia Court of Appeals found that**
 13 **Ms. Thorne had proven her actual innocence, vacated her convictions, and issued a writ of actual innocence based on non-**
 14 **biological evidence, and her record was subsequently expunged.**

15 **§ 2. That there is hereby appropriated from the general fund of the state treasury the sum of \$321,587 for the relief of Esther**
 16 **Thorne, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all**
 17 **claims Ms. Thorne may have against the Commonwealth or any agency, instrumentality, office, employee, or political**
 18 **subdivision in connection with the aforesaid occurrence.**

19 **The compensation, subject to the execution of the release described herein, shall be paid as a single lump sum of \$321,587 to be**
 20 **paid to Ms. Thorne by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following**
 21 **the execution of such release.**

22 **§ 3. That Ms. Thorne shall be entitled to receive career and technical training within the Virginia Community College System**
 23 **free of tuition charges, up to a maximum of \$10,000. The cost for the tuition benefit shall be paid by the community college at**
 24 **which the career or technical training is provided. The tuition benefit provided by this section shall expire on January 1, 2025.**

25 **§ 4. That any amount already paid to Ms. Thorne as a transition assistance grant pursuant to subsection C of § 8.01-195.11 of**
 26 **the Code of Virginia, shall be deducted from any award received pursuant to § 1 of this act.**

27 **§ 5. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act.**

28 **13. That § 34-28.3 of the Code of Virginia is amended and reenacted as follows:**

29 **§ 34-28.3. Emergency relief payments exempt.**

30 A. For the purposes of this section, "emergency relief payment" means a 2020 recovery rebate for individuals and qualifying children
 31 provided pursuant to § 2201 of the federal Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136) or any future federal
 32 payments or rebates provided directly to individuals for economic relief or stimulus due to the COVID-19 pandemic.

33 B. All emergency relief payments paid to individuals shall be automatically exempt from the creditor process. Any financial institution,
 34 as defined by § 6.2-100, receiving such payments directly from the federal government shall exempt such payments from the creditor
 35 process if (i) the payment is marked by the federal government as an "emergency relief payment" or includes some other unique
 36 identifier that is reasonably sufficient to allow the financial institution to identify the funds as an emergency relief payment or (ii) the
 37 federal government or account holder receiving the emergency relief payment gives notice to the financial institution of such payment.
 38 In exempting emergency relief payments on deposit from the creditor process, a financial institution shall look back two months
 39 preceding the date of receipt of service of the creditor process. The financial institution shall perform a one-time account review
 40 separately for each account in the name of an account holder who is subject to the creditor process without consideration for any other
 41 attributes of the account or the creditor process, including (a) the presence of other funds, from whatever source, that may be
 42 commingled in the account with funds from an emergency relief payment; (b) the existence of a co-owner on the account; and (c) the
 43 balance in the account, provided the balance is above zero dollars on the date of account review. After conducting the account review, a
 44 financial institution shall exempt from the creditor process the lesser of the sum of all posted emergency relief payments to an account
 45 between the close of business on the beginning date of the lookback period and the open of business on the ending date of the lookback
 46 period or the balance in an account when the account review is performed.

47 If the creditor process involves a court return date, such as a garnishment, and requires a continued hold on the account, including any
 48 deposits made up to the return date, then if an emergency relief payment is deposited into an account after the completion of the
 49 account review but before the creditor process or garnishment return date and the account holder notifies the financial institution that
 50 the deposit of an emergency relief payment has been made, the financial institution must review the account. If the financial institution
 51 verifies that the deposited funds are exempt under this section, then such deposited funds shall be treated as exempt from the creditor
 52 process or garnishment. This second account review shall begin within two business days of receiving the notice from the account
 53 holder and shall cover the period from the start of business on the date of the completion of the previous account review to the end of

business on the date of the notification from the account holder. For any creditor process that requires a continued hold, such as a garnishment where the account hold must continue until the garnishment return date, the account holder may access exempt funds by withdrawal as permitted by the financial institution.

In its answer to the creditor process, the financial institution shall state the amount of account funds that are being held pursuant to the creditor process and the amount of account funds that were treated as exempt under this section.

A financial institution that makes a good faith effort to comply with the requirements set forth herein shall not be subject to liability or regulatory action under any state law, regulation, court or other order, or regulatory interpretation for actions concerning any emergency relief payments.

Emergency relief payments shall be exempt from the creditor process even if deposited into an account with a financial institution or other organization accepting deposits and thereby commingled with other funds.

For the purposes of this section, no such exemption shall extend to child support, spousal support, or criminal restitution orders.

C. If a financial institution does not set aside an emergency relief payment as exempt from the creditor process, then the account holder receiving such payment must claim the exemption within the time limits prescribed by subsection B of § 34-17 and in the manner prescribed under § 8.01-512.4.

14. That the provisions of Item 479.10, paragraphs I.1. and I.2. of Chapter 552, 2021 Acts of Assembly, Special Session I, are no longer effective upon signage of this act.

15. That the provisions of § 18.2-422 of the Code of Virginia shall not apply to a person wearing a mask to prevent the spread of COVID-19.

16.a. That upon enactment of this act and through June 30, 2022, no landlord shall terminate a residential tenancy, or take any action to obtain possession of a dwelling unit, for nonpayment of rent, if the eligible tenant has qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship during or due, directly or indirectly, to the coronavirus pandemic, except as follows:

1. If rent is unpaid when due, or if a payment under the terms of a payment plan is unpaid when due, the landlord shall, pursuant to § 55.1-1202, Code of Virginia, serve a written notice on the tenant that informs the tenant of the Virginia Rent Relief Program and provides the website address and statewide telephone number for that program. The written notice shall also provide information on how to reach 2-1-1 Virginia to determine whether there are any other available federal, state and local rent relief programs.

2. The written notice shall also inform the tenant that the owner, landlord, or owner's licensed agent shall apply for rental assistance on the tenant's behalf within 14 days of serving the notice on the tenant, unless the tenant pays in full, enters into a payment plan or informs the landlord that they have already applied for rental assistance. The landlord shall apply for rental assistance on behalf of the tenant no later than 14 days after serving the written notice on the tenant, unless they receive the full amount owed by the tenant or confirmation from the tenant that the tenant has applied for rental assistance before the 14th day, or they have entered into a payment plan with the tenant. If the tenant has applied for rental assistance, the landlord shall cooperate with the tenant's application, by providing all information and documentation required to complete the application, including but not limited to the W-9 form and any supporting affidavits. In an initial application, if the landlord or the tenant does not receive written approval from the Virginia Rent Relief Program or any other federal, state, or local rent relief program within forty-five days of when a completed application for assistance is made by the tenant or the landlord, the landlord may proceed to obtain possession of the premise as provided in § 55.1-1251. For any subsequent application, if the landlord or tenant does not receive written approval from the Virginia Rent Relief Program or any other federal, state, or local rent relief program within fourteen days of submission of the subsequent completed application, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251. If a tenant who has not paid in full or entered into a payment plan with the landlord within 14 days after the written notice is served refuses to apply for rental assistance and also refuses to cooperate with the landlord in providing information and documentation required to complete the application made by the landlord, or if such tenant is determined ineligible for rental assistance, or there are no longer funds available through the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) and from the American Rescue Plan Act of 2021 (ARPA) (P.L. 117-2) for rental assistance through the Virginia Rent Relief program, the landlord may take action to obtain possession of the tenant's dwelling unit as provided in § 55.1-1251, Code of Virginia.

b. If a landlord reports to a consumer reporting agency or debt collector regarding a tenant who is participating in the repayment plan or receiving assistance from a federal, state, or local rent relief program, the landlord shall report the account as "current" in accordance with the Public Law 116-136: Coronavirus Aid, Relief, and Economic Security Act.

c. If a tenant is complying with a written payment plan with the landlord or has resolved any non-payment of rent, the landlord cannot take any action to obtain possession of a dwelling unit for non-payment of rent.

- 1 d. Nothing in this section relieves either the landlord or the tenant from their obligations to maintain the dwelling as those
2 obligations are set forth in Article 2 and Article 3 of Chapter 12 of Title 55.1.
- 3 e. Nothing in this section shall void any judgment for possession validly obtained by a landlord prior to the effective date of this
4 act; however, a landlord shall not initiate, maintain, or advance any legal process to obtain possession of a dwelling unit for
5 non-payment of the rent unless the landlord complies with the provisions of this section.
- 6 f. Notwithstanding any other language to the contrary, should the Governor declare a state of emergency pursuant to § 44-
7 146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of the
8 Code of Virginia, and if that declaration specifically provides that the eighth enactment of Chapter 552 of the Acts of Assembly
9 Special Session I shall supersede the language set forth in enactment sixteen of this act then this sixteenth enactment shall not
10 be effective so long as such a declared state of emergency remains in effect.
- 11 17.a. That notwithstanding any other provision of law, any permanent or interim legislative study or advisory commission,
12 committee, or subcommittee, other than a standing committee of the General Assembly to which bills and resolutions are
13 referred during a legislative session pursuant to Article IV, Section 11 of the Constitution of Virginia, or any executive advisory
14 board or council may conduct a meeting by electronic communications means without a quorum of the public body physically
15 assembled at one location if the meeting is being held solely to receive presentations, updates, public comment, or conduct other
16 forms of information gathering. If a quorum is not physically assembled, the commission, committee, subcommittee, board, or
17 council shall not take any votes or make any formal recommendations at such meeting.
- 18 b. Any entity meeting in accordance with this enactment shall comply with all other requirements for conducting a meeting by
19 electronic means set forth in subsection C of § 2.2-3708.2 of the Code of Virginia.
- 20 c. Should the Governor declare a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a
21 communicable disease of public health threat as defined in § 44-146.16 of the Code of Virginia, the provisions of Item 4-0.01.g.
22 of Chapter 552 of the 2021 Special Session I shall govern the conduct of meetings.
- 23 18.a. That no institution or an agent thereof; athletic association; athletic conference; or other organization with authority over
24 intercollegiate athletics shall:
- 25 1. Provide a prospective or current student-athlete with compensation for the use of his or her name, image, or likeness;
- 26 2. Prohibit or prevent a student-athlete from earning compensation for the use of his or her name, image, or likeness, except as
27 set forth in this subsection;
- 28 3. Prohibit or prevent a student-athlete from obtaining professional representation by an athlete agent licensed pursuant to
29 Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1 of the Code of Virginia, or legal representation by an attorney licensed to practice
30 law in the Commonwealth, for issues related to name, image, or likeness;
- 31 4. Declare ineligible for competition or reduce, cancel or not renew an athletic scholarship because a student-athlete earns
32 compensation for the use of his or her name, image, or likeness; or
- 33 5. Prevent an institution from participating in intercollegiate athletics because a student-athlete earns compensation for the use
34 of his or her name, image or likeness, or obtains representation for related issues.
- 35 b. An institution may prohibit a student-athlete from earning compensation for the use of his or her name, image or likeness
36 while the individual is engaged in academic, official team, or department activities, including competition, practice, travel,
37 academic services, community service, and promotional activities.
- 38 c. An institution may prohibit a student-athlete from using his or her name, image or likeness to earn compensation if the
39 proposed use conflicts with an existing agreement between the institution and a third party.
- 40 d. A student-athlete shall be prohibited from earning compensation for the use of his or her name, image or likeness in
41 connection with any of the following:
- 42 1. Casinos or gambling, including sports betting;
- 43 2. Alcohol products;
- 44 3. Adult entertainment;
- 45 4. Cannabis, cannabinoids, cannabidiol, or other derivatives;
- 46 5. Dangerous or controlled substances;
- 47 6. Performance enhancing drugs or substances (e.g., steroids, human growth hormone);

1 7. Drug paraphernalia;

2 8. Tobacco and electronic smoking products and devices; and

3 9. Weapons, including firearms and ammunition.

4 e. Any agreement entered into by a student athlete that provides compensation for the use of a student-athlete's name,
5 image, or likeness shall be disclosed prior to execution of the agreement by such student-athlete in a manner designated by
6 the institution the student-athlete is attending. If a student-athlete discloses a potential agreement that conflicts with an
7 existing institutional agreement, the institution shall disclose the relevant terms of the conflicting agreement to the student-
8 athlete.

9 f. A student-athlete shall not earn compensation for the use of his or her name, image, or likeness in exchange for
10 attendance at an institution or pay-for-performance.

11 g. A student-athlete shall not use an institution's facilities or uniforms, or the institution's intellectual property, including
12 logos, indicia, registered and unregistered trademarks, or products protected by copyright, unless otherwise permitted by
13 the institution.

14 h. For the purposes of this subsection:

15 "Institution" means a private institution of higher education, associate-degree-granting public institution of higher
16 education, or baccalaureate public institution of higher education.

17 "Pay-for-performance" means payments and compensation provided to student-athletes that is contingent on the student
18 athlete's achieving certain performance goals or objectives.

19 "Student-athlete" means an individual enrolled at an institution who participates in intercollegiate athletics.

20 19. That § 38.2-3461, § 38.2-3462, § 38.2-3463, § 38.2-3464 shall not apply to a nonprofit group model health maintenance
21 organization. "Nonprofit group model health maintenance organization" means a health maintenance organization
22 authorized by Title 38.2, Chapter 43 that:

23 (i) Is exempt from taxation under § 501(c)(3) of the Internal Revenue Code;

24 (ii) Contracts with one multispecialty group of physicians who are employed by and shareholders of the multispecialty
25 group; and

26 (iii) Provides and arranges for the provision of physician services to patients at medical facilities operated by the health
27 maintenance organization.

28 20. That for the purposes of the Virginia Overtime Wage Act § 40.1-29.2 the terms "Wages" and "Pay" shall also mean
29 overtime compensatory time in lieu of wages for overtime pay by public agencies as provided by the Fair Labor Standards
30 Act, 29 U.S.C. §207(o), and the term "Employee" shall not include an individual described in 29 U.S.C. §203(e)(4). In
31 addition to the provisions of subsection D of § 40.1-29.2 of the Code of Virginia, an employer may assert an exemption to
32 the overtime requirements for employees who meet any of the exemptions set forth in 29 U.S.C. §213 (a). Employees
33 covered under 29 U.S.C. §213(b)(10)(A) shall be exempt from the overtime requirements set out in Code of Virginia § 40.1-
34 29.2.

35 21. That notwithstanding Item C-72, Chapter 552, 2021 Acts of Assembly, Special Session I, up to \$25,000,000 of the
36 \$40,000,000 in Virginia Public Building Authority debt authorized in Item C-72, Chapter 552, 2021 Acts of Assembly,
37 Special Session I, may be used by the Virginia Port Authority to fund capital projects for infrastructure improvements
38 necessary to improve the Portsmouth Marine Terminal to handle loading in and out of large, heavy offshore wind
39 components and serve as an offshore wind hub; however, such debt may only be issued if the Secretary of Finance, the
40 Secretary of Transportation, and the Virginia Port Authority Board of Commissioners each approve the capital project or
41 projects. *The Virginia Port Authority shall ensure the financial obligations from the \$40,000,000 of debt authorized by in Item*
42 *C-72, of this act to a turbine and turbine generator manufacturing company in connection with its location at Portsmouth*
43 *Marine Terminal are satisfied.*

44 22. That a Phase II Utility shall be prohibited from disconnecting service for non-payment of bills or fees, from the
45 effective date of this act until March 1, 2022, for any jurisdictional residential customer who has previously demonstrated
46 they received federal, state, nonprofit entity, or utility payment assistance at any time between January 1, 2019 and July
47 31, 2021, or as having a qualified medical account designation with the utility as of July 31, 2021, or as certified by the
48 Virginia Department of Social Services, which shall work with the utility to provide such certification, as being a recipient
49 of Supplemental Nutrition Assistance Program (SNAP); Women, Infants, and Children Program (WIC); or Temporary
50 Assistance for Needy Families (TANF) benefits at any time between January 1, 2019 and July 31, 2021.

23. Within 30 days of the effective date of this act, the Department of Motor Vehicles shall submit a report to the Governor and the General Assembly providing a detailed operating plan for serving walk-in customers at existing Customer Service Centers in addition to the current appointment reservation system. Within 30 days of submission of the operating plan, the Commissioner of the Department of Motor Vehicles shall ensure that all Customer Service Centers are open for in-person walk-in services in accordance with the operating plan.

24. That § 58.1-301 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-301. Conformity to Internal Revenue Code.

A. Any term used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on ~~December 31, 2020~~; *December 31, 2021*, except for:

1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the Internal Revenue Code;

2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;

3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the Internal Revenue Code;

4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument" (as defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-year period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument";

5. For taxable years beginning on and after January 1, 2019, the suspension of the overall limitation on itemized deductions under § 68(f) of the Internal Revenue Code;

6. For taxable years beginning on and after January 1, 2017, but before January 1, 2018, and for taxable years beginning on and after January 1, 2019, the 7.5 percent of federal adjusted gross income threshold set forth in § 213(a) of the Internal Revenue Code that is used for purposes of computing the deduction allowed for expenses for medical care pursuant to § 213 of the Internal Revenue Code. For such taxable years, the threshold utilized for Virginia income tax purposes to compute the deduction allowed for expenses for medical care pursuant to § 213 of the Internal Revenue Code shall be 10 percent of federal adjusted gross income;

7. The provisions of §§ 2303(a) and 2303(b) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to the net operating loss limitation and carryback;

8. The provisions of § 2304(a) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to a loss limitation applicable to taxpayers other than corporations;

9. The provisions of § 2306 of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to the limitation on business interest; and

10. ~~For taxable years beginning before January 1, 2021, the~~ The provisions of §§ 276(a), 276(b)(2), 276(b)(3), 278(a)(2), 278(a)(3), 278(b)(2), 278(b)(3), 278(c)(2), 278(c)(3), 278(d)(2), and 278(d)(3) of the federal Consolidated Appropriations Act, P.L. 116-260 (2020), and §§ 9673(2), 9673(3), 9672(2), and 9672(3) of the federal American Rescue Plan Act, P.L. 117-2 (2021) related to deductions, tax attributes, and basis increases for certain loan forgiveness and other business financial assistance.

The Department of Taxation is hereby authorized to develop procedures or guidelines for implementation of the provisions of this section, which procedures or guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

25. That § 58.1-339.8 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-339.8. Income tax credit for low-income taxpayers.

A. As used in this section, unless the context requires otherwise:

"Family Virginia adjusted gross income" means the combined Virginia adjusted gross income of an individual, the individual's spouse, and any person claimed as a dependent on the individual's or his spouse's income tax return for the taxable year.

"Household" means an individual, or in the case of married persons, an individual and his spouse, regardless of whether or not the

- 1 *individual and his spouse file combined or separate Virginia individual income tax returns.*
- 2 "Poverty guidelines" means the poverty guidelines for the 48 contiguous states and the District of Columbia updated annually in
 3 the Federal Register by the U.S. Department of Health and Human Services under the authority of § 673(2) of the Omnibus
 4 Budget Reconciliation Act of 1981.
- 5 "Virginia adjusted gross income" has the same meaning as the term is defined in § 58.1-321.
- 6 B. 1. For taxable years beginning on and after January 1, 2000, any individual or persons filing a joint return whose family
 7 Virginia adjusted gross income does not exceed 100 percent of the poverty guideline amount corresponding to a household of an
 8 equal number of persons as listed in the poverty guidelines published during such taxable year, shall be allowed a *nonrefundable*
 9 credit against the tax levied pursuant to § 58.1-320 in an amount equal to \$300 each for the individual, the individual's spouse, and
 10 any person claimed as a dependent on the individual's or married individuals' income tax return for the taxable year. For any
 11 taxable year in which married individuals file separate Virginia income tax returns, the credit provided under this section shall be
 12 allowed against the tax for only one of such two tax returns. Additionally, the credit provided under this section shall not be
 13 allowed against such tax of a dependent of the individual or of married individuals.
- 14 2. For taxable years beginning on and after January 1, 2006, any individual or married individuals, eligible for a tax credit
 15 pursuant to § 32 of the Internal Revenue Code, may for the taxable year, in lieu of the credit authorized under subdivision B 1,
 16 claim a *nonrefundable* credit against the tax imposed pursuant to § 58.1-320 in an amount equal to 20 percent of the credit claimed
 17 by the individual or married individuals for federal individual income taxes pursuant to § 32 of the Internal Revenue Code for the
 18 taxable year. In no case shall a household be allowed a credit pursuant to this subdivision and subdivision B 1 or 3 for the same
 19 taxable year.
- 20 3. For taxable years beginning on and after January 1, 2022, any individual or married persons, eligible for a tax credit pursuant
 21 to § 32 of the Internal Revenue Code, may for the taxable year, in lieu of the credit authorized under subdivision 1 or 2, claim a
 22 refundable credit against the tax imposed pursuant to § 58.1-320 in an amount equal to 15 percent of the credit claimed by the
 23 individual or married persons for federal individual income taxes pursuant to § 32 of the Internal Revenue Code for the taxable
 24 year. The refundable credit shall be claimed on the Virginia income tax return and redeemed by the Tax Commissioner. In no case
 25 shall a household be allowed a credit pursuant to this subdivision and subdivision 1 or 2 for the same taxable year.
- 26 For the purpose of this subdivision, "household" means an individual and, in the case of married individuals, the individual and his
 27 spouse regardless of whether or not the individual and his spouse file combined or separate Virginia individual income tax returns.
- 28 C. The amount of the credit provided claimed pursuant to subsection subdivision B 1 and B 2, or in the case of a nonresident or a
 29 person to which § 58.1-303 applies, subdivision B 3, for any taxable year shall not exceed the individual's or married individuals'
 30 Virginia income tax liability.
- 31 D. Notwithstanding any other provision of this section, no credit shall be allowed pursuant to subsection B in any taxable year in
 32 which the individual, the individual's spouse, or both, or any person claimed as a dependent on such individual's or married
 33 individuals' income tax return, claims one or any combination of the following on his or their income tax return for such taxable
 34 year:
- 35 1. The subtraction under subdivision 8 of § 58.1-322.02;
- 36 2. The subtraction under subdivision 15 of § 58.1-322.02;
- 37 3. The subtraction under subdivision 16 of § 58.1-322.02;
- 38 4. The deduction for the additional personal exemption for blind or aged taxpayers under subdivision 2 b of § 58.1-322.03; or
- 39 5. The deduction under subdivision 5 of § 58.1-322.03.
- 40 26. That the provisions of the twenty-fifth enactment of this Act shall apply for taxable years beginning on and after January 1,
 41 2022.
- 42 2427. That this act is effective on its passage as provided in § 1-214 of the Code of Virginia.
- 43 2528. That the provisions of the first, second, third, fourth, sixth, seventh, eighth, twelfth, fourteenth, fifteenth,
 44 seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, and ~~twenty-fourth~~ twenty-seventh
 45 enactments of this act shall expire at midnight on June 30, 2022.
- 46 2629. That the provisions of the sixteenth enactment of this act shall expire at midnight on June 30, 2022 unless: 1) there
 47 are no funds available for the Virginia Rent Relief program from the Coronavirus Aid, Relief, and Economic Security
 48 (CARES) Act (P.L.116-136) and from the American Rescue Plan Act of 2021 (ARPA) (P.L. 117-2), or 2) the provisions of
 49 paragraph f. of the sixteenth enactment of this act becomes effective.
- 50 2730. That the provisions of the fifth, ninth, tenth, eleventh, and thirteenth, ~~twenty-fourth~~, ~~twenty-fifth~~, and ~~twenty-sixth~~

1 enactments of this act shall have no expiration date

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